

RECORD OF PROCEEDINGS OF A
COURT OF INQUIRY
CONVENED AT
TRIAL SERVICE OFFICE PACIFIC
BY ORDER OF
COMMANDER IN CHIEF
UNITED STATES PACIFIC FLEET
TO INQUIRE INTO A COLLISION
BETWEEN USS GREENEVILLE (SSN 772) AND
JAPANESE M/V EHIME MARU THAT OCCURRED
OFF THE COAST OF OAHU, HAWAII
ON 9 FEBRUARY 2001
ORDERED ON 17 FEBRUARY 2001
AS AMENDED ON 22 FEBRUARY 2001;
26 FEBRUARY 2001;
1 MARCH 2001; AND
9 MARCH 2001

At Trial Service Office Pacific
Naval Station, Pearl Harbor, Hawaii
Monday, 12 March 2001

The court opened at 0800 hours.

PRES: Please be seated. This court is now in session.
Counsel?

CC: Thank you, sir. Let the record reflect that all members, parties, and counsel are present, with the exception of Assistant Counsel for the Court, CDR Mike Quinn, who's absent. Also, LN2 Wright, our court reporter is present, in addition to LN1 Leather. LT Daniel P. Shanahan, Judge Advocate General's Corps, United States Navy, is present as Assistant Counsel for LCDR Pfeifer. LT Shanahan, would you state your qualifications for the record please?

Counsel for LCDR Pfeifer, party (LT Shanahan): Yes, sir, good morning. My name is LT Daniel P. Shanahan, JAG Corps, United States Navy. I have been appointed by CINPAC Fleet to serve as co-counsel for LCDR Pfeifer. I'm qualified under Article 27 bravo of the Uniform Code of Military Justice and I have been previously sworn under Article 42 alpha.

PRES: Thank you.

(Counsel for the Court note: Although not recorded on tape, Procedural Exhibit L was offered by Counsel for the Court and accepted by the court.)

CC: Just a reminder, again, to everyone, please speak slowly and clearly into the microphones today to allow our interpreters to do their job and provide the best possible simultaneous translation. One final matter, sir, we have Court Exhibit 45 to offer, this is the transcript of the communications between USS GREENEVILLE and COMSUBPAC on the afternoon of 9 February that discusses the communications related to the search and rescue effort that the court asked to be produced. Copies are being distributed to Counsel for the Parties.

[LCDR Harrison distributing Exhibit 45.]

CC: Sir, those are all the procedural matters that the court has.

PRES: Counsel for the Parties, any procedural matters?

Counsel for CDR Waddle, party (Mr. Gittins): None from CDR Waddle, sir.

Counsel for LCDR Pfeifer, party (LCDR Stone): None from LCDR Pfeifer, sir.

Counsel for LTJG Coen, party (LCDR Filbert): No, sir.

CC: Sir, at this time, I would recall CAPT Kyle to the stand.

PRES: Please.

CC: Good morning, CAPT Kyle.

WIT: Good morning.

CC: If you would please retake your seat in the witness box, and sir, I would remind you that you're still under oath.

[The witness resumed seat in witness box.]

WIT: I understand.

PRES: Let's proceed with the cross-examination. Counsel for LCDR Pfeifer?

Counsel for LCDR Pfeifer, party (LCDR Stone): Yes, sir. Could we have the expanded time/bearing chart, please?

ASST CC: Is this the one you want?

Counsel for LCDR Pfeifer, party (LCDR Stone): No, actually, the expanded time/bearing chart----

ASST CC (LCDR HARRISON): Expanded----

Counsel for LCDR Pfeifer, party (LCDR Stone): From--actually the Power Point presentation might be even easier.

ASST CC (LCDR HARRISON): Do you want the one from CAPT Kyle's----

Counsel for LCDR Pfeifer, party (LCDR Stone): The one from CAPT Kyle's Power Point presentation----

ASST CC (LCDR HARRISON): Power Point presentation.

Counsel for LCDR Pfeifer, party (LCDR Stone): Sir, while they're setting that up, I can ask you just a very small set of questions as well.

WIT: Sure.

CROSS-EXAMINATION

Questions by Counsel for LCDR Pfeifer, party (LCDR Stone):

Q. You stated, sir--I want to direct your attention to the idea of the unqualified watchstander that you testified to on Friday?

A. Yes.

Q. Now, you stated that up to about 20 percent of subs, at times, have an unqualified watchstander that is not constantly supervised. Do you remember that?

A. Yes, I do. I need to say that that was based on individual's feedback to me. It's not, in any sense a quantitative measurement or a verified measurement.

Q. Yes, sir, but that is not the standard for submarines in the Pacific, is it?

A. I don't consider it the standard for submarines in the Pacific. I hope it's not the standard.

Q. And, if this was done, it would be an error, correct, sir?

A. If what was done?

Q. If they had an unqualified watchstander that was unsupervised?

A. Yes, it would be an error.

Q. Now, you do know LCDR Pfeifer from previous assignments in the Pacific. Is that true, sir?

A. Yes, I do.

Q. Now, with the high standards maintained throughout the submarine force, and your personal experiences in dealing with LCDR Pfeifer as XO of the GREENEVILLE and as a member of the-- and as a member of the Nuclear Power Examining Board, while you were Commodore of Squadron ONE, sir, do you believe that the XO would tolerate this practice if he was aware of it?

A. I don't--based on my knowledge of his character, it's just an opinion, I don't think he would tolerate it.

Q. Thank you, sir. I'd also now like to direct your attention to this chart here, [pointing laser at exhibit] sir----

CR: Excuse me, sir, may I ask what chart we're--would you identify it, sir?

Counsel for LCDR Pfeifer, party (LCDR Stone): This--it's the expanded time/bearing chart from CAPT Kyle's Power Point presentation.

CR: Exhibit 40, sir?

Counsel for LCDR Pfeifer, party (LCDR Stone): Yes.

Q. Sir, could you please describe the spherical array--passive broadband display during the period in which baffle clears and course changes are made?

A. Would you ask that question--I'm not automatically sure what you want to----

Q. Could you expand--explain what the display itself--I mean, this--this shows a period here [pointing laser at exhibit] of a course change and a turn. Does it not, sir?

A. Yes, it does.

Q. Could you please describe what the passive broadband display itself shows during periods of course changes such as this here?

A. The passive broadband display has a--it's kind of difficult without an aide, but it's a waterfall display, with noise levels indicated as a brightening--noise levels and contacts as a brightening on that display, it's a CRT display with a raster scan going down in an "A" format--just falling down--water is falling down and a bright trace would be there where a contact is identified, and the--as the contact started to move, the location on that trace starts to move. Now, I'll tell you that the resolution of the display is less than the resolution of these dots, and there's a technical reason for that, which is--delves into classified discussion. But--just to suffice to say that the resolution on the display that the operator sees is less than what is depicted on this chart.

Q. And, would you agree that it would be significantly less during these periods of course change? [Pointing to exhibit]

A. As I said before, [pointing to exhibit] this diagram is significantly blown up, so it is quite a bit less and--but probably discernible.

Q. Now, how many degrees wide is the accuracy of the broadband display? The resolution for each little--for each contact trace, is it not 6 degrees wide, sir?

SECURITY OFFICER (CDR Caccivio): Mr. President, I believe we may be possibly discussing classified topics at a future discussion and answer. Request an opportunity to converse with the witness.

PRES: Please, go ahead.

[CDR Caccivio approaching the witness.]

CC: Let me--let me ask, CAPT Kyle, is this--would your answer involve revealing classified information?

WIT. It really would, this is--this is the same topic--he's going to the topic I believe is classified.

CC: I think that this is a good time. The Security Officer notified Counsel for the Court prior to CAPT Kyle's testimony this morning that there was some information that he had for the court that would be classified, that we would have to close the court for. Could I ask counsel for LCDR Pfeifer, if we could delay his answer to this question until the end of CAPT Kyle's testimony, at which time we intend to close the court----

Counsel for LCDR Pfeifer, party (LCDR Stone): Yes, sir.

CC: And take the answer then, so that we can deal with all classified information at that time?

Counsel for LCDR Pfeifer, party (LCDR Stone): Yes, sir, and we have no further questions.

CC: Alright, thank you.

CR: Captain, can I ask for the record who the Security Officer is?
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CC: That's a--yes, CDR John Caccivio.

CR: Thank you, sir.

PRES: Counsel for Mr. Coen, cross?

Counsel for LTJG Coen, party (LCDR Filbert): Yes, sir, can we have the lights turned off?

PRES: Yes.

Counsel for LTJG Coen, party (LCDR Filbert): Good morning, CAPT Kyle.

WIT: Good morning.

Questions by Counsel for LTJG Coen, party (LCDR Filbert):

Q. I want to begin by asking you questions about the videos that were shown earlier in your testimony. And, correct me if I'm wrong, I believe there were two videos depicting a rapid sweep with the periscope?

A. Yes, there were.

Q. And, the first video, the periscope was above the sea, out of the water 1 to 2 feet, I think that's what you said?

A. That's the artists depiction, we asked for 1 to 2 foot exposure.

Q. Okay, now I understand that this was not an exact re-enactment, but it did contain circumstances similar to those on 9 February?

A. Yes, they did.

Q. Did it contain the haze that was present that day?

A. It was a replication, we tried to make it as close as we could make it based on the news videos we saw that day. Obviously we weren't there--we weren't there, nor was the artist, but we tried to engage it from the news videos and we saw a video of another ship--another submarine that was at sea that same day, and we had some periscope video from that ship and kind of used that as a benchmark to try and make it somewhat similar.

Q. So, you did the best you could to make it as close as possible?

A. Yes.

Q. And, I was talking about the factors that were present that day. The haze was something that you worked into the video?

A. Yes.

Q. And the color of the Japanese vessel, white?

A. Yes, we wanted a white vessel.

Q. And as much as possible, the sea state on that day?

A. The sea state, we had to kind of use the models that the animators had and we picked one that was fairly not smooth, but not excessive either, somewhere in the moderate range that looked somewhat--that would give the--the purpose was to provide an example for the court of how seas can affect a periscope search, so we picked one where there was some waves to give the effect of the contacts bobbing in and out and the waves being between you and the object you're trying to look at.

PRES: Counsel----

WIT: And, that was probably the most difficult aspect to replicate.

PRES: Excuse me, can I ask a follow-on question on that?

Counsel for LCDR Pfeifer, party (LCDR Filbert): Absolutely, sir.

EXAMINATION BY THE COURT

Questions by the President:

Q. Typically you characterize seas by sea state----

A. Yes, sir.

Q. So, we have a characterization of sea state on the day of the accident. Do you have a characterization of the sea state that was on that film?

A. We asked for seas that were in the order of 3 to 5 to 4 foot with some swells. And, that's again--the artist picked the best he could out of that. We looked at it and we looked--somewhat similar what we would have approximate the seas to be based on the news video.

CROSS-EXAMINATION

Counsel for LTJG Coen, party (LCDR Filbert):

Q. The other part of that was the aspect of the Japanese vessel to GREENEVILLE as well?

A. Yes, it was. We placed the contact at a starboard 30 angle on the bow--a 30 degree starboard aspect.

Q. Now, I believe you testified earlier that--looking at that video and given those circumstances that it would have been difficult for the person on the periscope to have picked up the EHIME MARU on that day during the rapid sweep, is that right?

A. Yes, at that depth and the rapid sweep with the sea states depicted in that video, the person operating the scope, if that was a real scope in that video, would've had a hard time picking up the ship.

Q. There was one part I wanted to ask you about on the first video, which is, when the video began, the periscope was already out of the water at its maximum height in the video?

A. Yes, it was.

Q. So, it didn't depict the periscope coming out of the water at a zero height of eye and then coming up to its maximum height?

A. That's correct, and it that didn't depict the other issues with that. It takes awhile for the water to drain off the head window to get a good look and it's not instantaneously clear like it was in that video, it takes awhile for the scope to clear up and drain so that you can see anything clearly, otherwise you're looking at a film of water.

Q. So, there would be a period of time there when the periscope is coming up that the range wouldn't be as great as it was during that video. Is that right?

A. That's correct.

Q. And, then also there would be a period of time when the visibility wouldn't be as good because of the water on the periscope?

A. That's correct.

Q. Now there was a second video which were shown of a rapid sweep and I believe the depth for that video was 50 feet. Is that right?

A. Around 50 feet, it was between about 12 foot exposure, so 52 feet, near 50 feet.

Q. Somewhere around there?

A. Yes.

Q. Now, I think you testified earlier that was--the purpose of that was to demonstrate what you could see when the periscope was out of the water at that height?

A. The idea of that was to--yes, the idea was to compare--show comparison for the courts benefit of looking at one of the same conditions with the differences between looking near the water line as opposed to what elevated above the waterline. You know, everything else being the same--the only variable being the height of the periscope, what would the difference in effectiveness of the ability to look.

Q. I understand your purpose, but I wanted to ask you this question, when a ship initially comes to periscope depth, it's not normally going to come to a depth of 50 feet, is that right?

A. That would be uncommon, that's correct.

Q. And, can you tell us why a ship wouldn't do that? Why they wouldn't come up to that periscope depth initially?

A. Technically, there's no reason why you couldn't come up to that depth if you decided to do that. The primary--the most common--the best reason, I guess would be to say that they want to be in a position to--when you come to periscope depth there is this added risk as you approach the interface. You want to be in a position to return to a safe depth in rapid fashion. By coming to a medium depth say 60 or 58 feet, a moderate depth, you afford the Diving Officer of the Watch better control of the boat and better ability to resume deep submerged, so, if you need to avoid a close contact that you have for some reason not detected. If you came to 50 feet, you'd be on the verge of broaching the ship, which once broached the ships are--want to return to deep depth, they're difficult to resubmerge and it's much more difficult the closer you are to surface for the Diving Officer to control the ship, there's more surface suction causing the boat to act lighter. So, you'd rather go to a little bit deeper depth to get stable, to get a look around--a depth where you can see, you need to be able to see out and get a good view, but, on the other hand a depth where you still have good control of boat's depth and better maneuverability, basically, to get out of the way if you have to.

Q. So, it would be a matter really of--if there were a close contact, being able to get the boat down as quickly as possible?

A. That's correct.

Q. Would there also be an issue of detection of the periscope in a sense if its 12 feet out of the water, could be detected far more readily?

A. That's a factor, I mean in a tactical situation where you were--where you were concerned about counter detection by another vessel, where you worried about someone else seeing you. Obviously, less periscope would be an issue, but in a case where you are not concerned, you know this is the case where I was--that was the context which I was answering the question previously, we are not particularly concerned about visual detection.

Q. Right, absolutely----

A. Then you could make a case for coming shallower right off--right off the bat except for this depth control--depth keeping issue----

Q. I see----

A. In a tactical situation where the submarine is in a mission environment where it's trying to maintain its stealth, then the other obvious factor is you want to stay deeper to avoid a large amount of periscope out of the water for visual counter detection or radar counter detection.

Q. Well, wouldn't it also though be a matter of training in a sense that if you're going to come to periscope depth that it makes sense to have it at a lower height or the ship at a shallower depth that you want to train in order to, like you'd do it on a mission if it makes sense anyway?

A. If you're at--you're strictly in training role likely, but you have this issue we train like we fight, we fight like we train and you want to emphasize those skills you used in combat situation during training.

Q. I want to move to a different area and that deals with your testimony earlier about the--really the mental analysis that OOD's go through when they're--when they're on duty. Now, what I think you said earlier is that the OOD's have to assess all of the factors that comprise situational awareness and that's a mental thing that they have to go through while they're standing duty. Is that right?

A. Yes, it's a certain amount of mental work involved.

Q. Now, that mental analysis they go through, has it been your experience as an Officer of the Deck and I understand it's a certain baseline to be qualified as an OOD, but as they gain more experience standing duty, that their ability to do that-- that they become more proficient at that mental analysis?

A. Absolutely, that's true.

Q. And as they become more proficient, do they then become faster at working those things through their brain and figuring out situational awareness?

A. Yes, they do. As I stated, I think on Friday, I've seen some Junior Officer's of the Deck will take--when I say junior, I mean a qualified person, but fairly junior in his development and his proficiency, I guess. Those folks are, you know, I see many times putting the contacts making--making the transition from an linear sonar display to a polar plot by taking a maneuvering board or a 360 degree graphic and drawing the contacts on there and keeping track in their mind of where they were and where they're going, the direction of motion because they just haven't acquired the skills to be able to make that transition mentally and that's fine, that's just part of the--part of the--part of the maturation of the watch officer. And, usually they're qualified when they have sufficient skills, they inspire the confidence of the Captain and then they become growing and learning the rest of the watch, becoming more adept of what they're doing as they stand watch. The best learning ground is being on watch up there.

Q. Thank you, sir, I don't have any further questions.

PRES: Alright. Counsel, I believe what we should do then is recess in place for our classified material and then proceed from there. I think what I'll do is recess after the classified testimony before the next witness, so we can bring everybody back in.

CC: Yes, sir.

PRES: So, what I'd like to do here, ladies and gentlemen of the courtroom that are listening, we're going to recess in place. I'm going to ask the bailiff to escort you from the courtroom, we're going to take classified testimony, at the end of that classified testimony, I will recess the court before we call the next witness. So, bailiff, if you could go ahead and start clearing the court and Security Officer, if you'll make sure the appropriate measures are taken, so that we have a classified courtroom. Alright, we'll recess in place.

CC: Sir, I would also ask that we turn off the video feed at this time and also ask our interpreters in the booth as well to leave the courtroom.

The court recessed in place at 0824 hours, 12 March 2001.

The court opened at 0826 hours, 12 March 2001.

CC: Let the record reflect that all parties, member and counsel that were present at the last--before we took the break are again present. We are now in a classified session, remind all parties that we will not go above the Confidential level in taking testimony.

PRES: We'll let counsel for LCDR Pfeifer continue his cross.

Counsel for LCDR Pfeifer, party (LCDR Stone): Thank you, sir.

Questions by counsel for LCDR Pfeifer, party (LCDR Stone):

Q. CAPT Kyle, sir, I would like you to focus more on this during the turn and course change section of this and I want to direct your attention more towards that part of that [referring to screen]. A previous witness described this as--as you found the--array as potentially spaghetti in terms of what you would see. Could you describe what--the course change has with regards to the effect to the sonar individuals being able to see those bearing dots. It would be effective, would it not?

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Q. And after----

A. And it's because of the way the beams are formed in there.

Q. And during the course change itself, which is represented at this pinkish dot, I'm sorry, here [pointing to screen]?

A. Yes.

Q. They're not going to--that is in fact degraded on the actual sonar display, is it not, sir? It's not as clear as when the submarine is at a constant speed and course?

A. The display on the--the display it is not--your choice of words there counselor are little bit vague, but I'll try to explain. I think the point you're trying to get at--what happens during the turn is that you have the effects of not only the contacts motion, but own ships motion impacting the location of the contact. So, the fact that the ship is moving and changing speed, effects the rate at which the contact's bearing changes, as well as the movement of the contact itself. So, it is a little bit more ambiguous and difficult to understand from an observer standpoint because you have multiple effects, it is not clear which is having a more overriding effect. Is it the motion of the contact or the motion of own ship's steadying up and speed change causing the bearings to stay or move or whatever they're doing.

When the contact--when you become steady during the steady period--and you're never really steady in speed--but, for instance in this period then if it was all steady--if own ship was on steady courses of speed then it's safe to assume that any change in bearing what you're seeing on the display is due to the contact itself and not due--you know, your effects are constant. You will still have an effect, but it's constant

effect, and you can then see any change in the bearing rate then becomes due to the other--more due to the other contact.

Counsel for LCDR Pfeifer, party (LCDR Stone): Thank you, sir, I don't have any other questions.

PRES: Okay. The members have no redirect, but to be proper, I think I'll make this a redirect question, so I'll have--I think we'll let the counsels for the parties then also recross.

EXAMINATION BY THE COURT

Questions by the President:

Q. CAPT Kyle, I understand that you have material that's of a classified nature that you think is important for this court to understand? So, my kind of an overarching question, I want to understand what material you want to cover, please take us through it and any issues you think this court ought to understand before you leave the stand?

A. Sir, I believe I covered what I thought was important to make clear to the court in the cross of the counsel for the XO there.

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Q. Any comment on the time? Is there a time delta here between one display and what's pushed? Do we need to understand that one a little bit better?

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Q. My timeline question deals with the timeline between--this is information that is raw?

A. Yes, sir.

Q. I think it's what you said, and then it goes to--there is some processing in the rooms of the Fire Control System, that's presented to a Fire Control Technician or in this case the Fire Control Technician of the Watch. Is there a delay in the processing--in other words, just because this comes up raw, it isn't instantaneous on the Fire Control Technician's scope, is it. Can you help me what that?

A. Yes, sir, I can----.

Q. We've had this discussion about the range of 4,000 yards, could you give me a sense about--does that occur at the same time that this information is processed or is there a certain amount of lag--is that variable with how the information is being processed?

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Now, it is possible to change the integration time on the Fire Control screen. I don't even know if the Fire Controlman was even asked that question by the NTSB--whether he changed the integration time. He would be the fellow who would do that. I would think it unlikely, but it's probably a worthy question to ask him when you have a chance to talk to the Fire Controlman, if he did change the integration rate. As an operator selectable function right on the display.

Q. Are you satisfied then that you covered your issues with the court?

A. Yes, sir.

PRES: Alright, let's cross then. Counsel for CDR Waddle.

RE CROSS-EXAMINATION

Counsel for CDR Waddle, party (Mr. Gittins):

Q. Sir, I have just a few questions. Sir, are you aware of a TACNOTE that was published in Submarine Tactics--I think it's a newsletter indicating that recent observations stating PCO--I guess that's prospective Commanding Officer--operations indicate that a surface warfare warship could approach unacceptably close without being observed visually through the periscope until the surface warship was within 2,000 yards?

A. Yes, sir, I'm aware of that article.

Q. That's an indication that PCOs, people with a great deal of experience in looking through periscopes have had difficulty identifying targets until at least 2,000 yards. Isn't that true?

A. That's true and that article was disseminated primarily to teach the same lesson that we were trying to depict, the issue was similar to the--what we're trying to depict in that video sequence that--in that tactical situation, this was a--this was the PCOs practicing a warfighting scenario against another ship, another warship. They were operating the periscope very close

to the waterline and although--if you said that--if you did a normal height of eye calculations where you said based on this height of eye and this range you could say that I have long visibility. These swells and mounds of water between the periscope and the contact interfered--interfered with the ability to observe this other contact even though the--some of the theory would tell you that you have long-range visibility, these sea states because you're so close to the sea waterline that interfere with the ability to see a contact even at close range.

Q. So, you do agree that the TACNOTE is accurate, that even PCOs have had difficulty identifying surface warships through the periscopes until the surface warship was within 2,000 yards.
A. Yes, I do.

Q. And you would agree with me also that a surface warship has a significantly higher masthead height than the EHIME MARU?
A. The surface warship in this case was another submarine, which has a low, lower masthead height in this particular example that prompted this article was another submarine.

Q. Are you sure about that, sir?
A. Quite sure, I'm not positive. As I recall the incident, it was two submarines operating on the range, but the concept was still applied, it was the general learning concept to teach the fleet of the process, but I think--I'm pretty sure that the incident involved that prompted this issue was two submarines operating together.

Q. Well, sir, I just want to check with you to make sure I got the nomenclature right. Recent operation concerning PCO operations indicated that quote a surface warship unquote could approach unacceptably close without being observed visually through the periscope until the quote surface warship unquote was within 2,000 yards? Do you believe that that indicates a submarine other than a surface warship?

A. A submarine is a warship and it was on the surface. I think the case was two submarines on the surface--two submarines working together, that's my belief, I'm not sure of that.

CC: Mr. Gittins, perhaps, do you intend to introduce the TACMEMO?

Counsel for CDR Waddle's party (Mr. Gittins): I may choose to do that at some point.

CC: Okay, I think that would be beneficial to court members.

Questions by Counsel for CDR Waddle, party (Mr. Gittins):

Q. Well, you would agree with me that a surface warship doesn't usually--a submarine on the surface doesn't usually have 100 foot masthead height?

A. No, it has about 20 foot masthead height?

Q. A 100 foot masthead height would be consistent with a surface warship, correct?

A. That's correct.

Q. With respect to the expanded time bearing diagram that you've had----

MBR (RADM SULLIVAN): Before you leave that question, could I ask a follow-up?

Counsel for CDR Waddle, party (Mr. Gittins): Absolutely, sir.

EXAMINATION BY THE COURT

Questions by a court member (RADM Sullivan):

Q. Listening to discussion--again, we talked about tactical situation where we are worried exposure of the scope, correct?

A. Yes, sir, we were. In the PCO type--the PCO training it was--this is simulated combat for that prospective Commanding Officer. It is under the direct oversight of an instructor who knows the tactical situation, so we do put the--that's a risk mitigator for that--having knowledge of what the situation is and so we do put the prospective Commanding Officer under a combat like situation expecting him to maintain his stealth and operate close to the waterline.

Q. I haven't read the article, but I think what--maybe I'm wrong, but the idea is low scope height means you'll have a shorter range of view.

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But, the point of that article is exactly the issue at hand, which we're showing in the video, that's a theoretical distance to the horizon with a calm sea state. But, if you put mounds of water between you and the horizon, those mounds of water effectively reduce your horizon significantly. And that was the whole point of the article, was to caution everybody, don't rely on this 1.14 if you're operating near the interface--very close--and you have mounds of water between you and the contact you're looking at. You may have a false sense of security that you can see further--you may think that you can see further than you really can. And, it goes through a discussion of--it's fairly technical, but tangent of these angles and proves basically what happens, why you can't see that far.

PRES: Thank you, counsel, please.

Counsel for CDR Waddle, party (Mr. Gittins): Thank you, sir.

RE-CROSS EXAMINATION

Questions by counsel for CDR Waddle, party (Mr. Gittins):

Q. Sir, one of the things you can do to increase your height of eye is to raise the depth of the vessel, for example from the standard 60 feet, 58 feet or 56 feet, correct, sir?

A. That's correct.

Q. And that would increase your height of eye and your ability to see the horizon?

A. That's correct.

Q. And the judgment that's applied in that circumstance is that the person who's looking through the periscope needs to be able to see over the swells, is that correct?

A. That's correct.

Q. And so, it would be a matter of judgment for the officer or the person operating the periscope to make that determination of where he is able to see over the swells, correct?

A. That's correct.

Q. And you would agree with me, sir, that in this particular case of the USS GREENEVILLE, since CDR Waddle was the person on the scope for the sector search, that it would benefit this hearing to have his testimony about what exactly he saw on the scope that day?

A. Yes, sir, because he is the only one that looked out there.

Q. Okay, and that's because it would be a matter of his judgment as to what he was able to see by raising the vessel, correct?

A. Yes, sir.

Q. Sir, I think on Friday you discussed instantaneous bearing rate, that there's changes in bearing rate that may be instantaneous and that they may be displayed on the Fire Control Technician's equipment, correct?

A. Yes, I did.

Q. There's a place on there for instantaneous bearing rate?

A. Yes, that's correct.

Q. That is only displayed instantaneous--for example a particular contact is only displayed when the operator has selected that target and is working that target, isn't that true?

A. That's correct.

Q. So, if for example, on the USS GREENEVILLE, the Fire Control Technician of the Watch was working Sierra 14, he would not have displayed a instantaneous bearing rate for Sierra 13, correct?

A. That is correct.

Q. With respect to the actions of the Fire Control Technician of the Watch on 9 February 2001, would you agree with me that the Fire Control Technician of the Watch, his actions with respect to contact Sierra 14 were appropriate and correct--when he was working out and updating the solution for Sierra 14? It's not on that diagram, sir?

A. It appears that he was doing it correctly from what I can see, based on my review. He made several updates shortly after gaining the contact, that would be a normal procedure.

Q. Yes, sir. With respect to the data that produced the expanded time bearing diagram that is on the screen right now, sir, I think you described the ship's data is produced every 1 second intervals--ships operating data, depth, speed, course, those kinds of things?

A. Those things--are you asking what's logged in the Sonar Logger?

Q. Yes, sir. Those parameters that are ship's parameters, operational parameters are logged at 1 second intervals, correct?

A. That's correct.

Q. And the data from--for contacts is logged, I think you said either 15 or 20 seconds?

A. It's 15 seconds, I think it is the default setting for the SLOGGER and I think it was set at 15 seconds on this particular day.

Q. So--and the Sonar Logger actually records contact bearing in a relative format, correct, sir? Relative bearing to the contact? Let me ask you another way, sir, you have a look of confusion. Isn't it true that in order--that one of the problems with integrating the SLOGGER data, so that it was usable to you to reconstruct this accident, was that you had to determine an algorithm to convert relative bearing recorded by the SLOGGER system to true bearing so that you could use the data to perform an accurate reconstruction?

A. Yes.

Q. So, there was a conversion from relative bearing to true bearing that was done using a computer program?

A. Yes.

Q. And, it was taking data that was an average over 15 seconds overtime, correct?

A. No, the 15 second data is a one-time graph of that information. You're confusing one system with the other. The SLOGGER data takes--at 15 second intervals will go and grab that tracker data, whatever it is at that time, grab it and record it. Whereas, what I was saying a minute ago, about the Fire Control System, it takes an integration--shipboard system integrates the 1 second data, it takes 20--20 basic grabs and integrates it for--produces 1 dot for the Fire Control person. It's different, we're talking Fire Control System is an integrated 20 second product, the dots on this display and

what's in the SLOGGER data is a--is basically an instantaneous view of the tracker at that time.

Q. Okay, I understand what you're saying now. So, it would be fair to say that Sonarmen don't have any graphic depiction similar to the expanded time bearing diagram that you have displayed up there, correct?

A. No, that's what my point of my discussion was. There is a--6 minute--6 bearing--6 degree wide display. They have the tracker data up there presented, the actual bearing is printed out digitally, but if you sit and watch that, you try to keep your eye on and you can't, it does bounce around quite a bit. You presented SNR data looked fairly noisy well--again if you mentally integrated over time you could say, oh the contact is drawing to the right--but it does--it would be difficult to do that. Sonarmen generally don't--you'd focus too much on that particular data and not on the overall picture, it's not a very practical way to determine the bearing rate.

Q. Yes, sir, and what is displayed on this exhibit is SLOGGER data, so, it is--it is not the averaged information that you just described, correct?

A. That's correct, this is 15 second grabs of information.

Q. And, that would not be depicted on what the Fire Control Technician sees?

A. That's correct, it would not.

Q. Or the Sonarman?

A. Or the Sonarman.

Q. I just want to make sure that I'm clear, sir. When you talk about bringing the ship to periscope depth, there are ship's control reasons why 60 feet is the commonly used periscope depth, correct?

A. That's a good question, Mr. Gittins, 60 feet is sort of an amalgamation of all the factors, 60 feet in general sea states is a compromise depth, it is the depth that everybody is accustomed to going to, it's a common point for the Diving Officer the Watch to go to, so there is this training issue that was brought up by the counsel for LTJG Coen. It's also a depth where you expect a Diving Officer to have good control, so as I discussed, you could return if you needed to conduct emergency maneuvers to return to deep depth for safety. Sixty feet, I mean if you knew for a fact that the seas were very rough and you were not going to see at 60 feet--maybe we were up there a hour or so ago, maybe two hours, you knew it was particularly

rough, you might choose a ship slightly shallower depth, so you could see immediately. But, not knowing the sea state, not knowing exactly what the sea conditions were, you tend to use a common depth on the ship for general practice that works in most cases to serve a default value.

Q. Yes, sir, let me just ask you. I'm a former aviator, so--in aviation they do things over and over by procedure so, that they become second nature. Would you agree that 60 feet is a periscope depth--is one of those kind of procedures for a submarine?

A. Going to periscope depth it is, but if you went to 58 feet instead of 60 feet, that would not be a major departure from normal practice. If you went to 50 feet, that would be pretty exciting for the Diving Officer, he would look back and say, "Are you sure because I'm not sure I'm going to be hold it at 50 feet, I may be on the surface for you?"

Q. So, given the training experience of a crew going through that default 60 foot periscope depth, would be a reasonable choice?

A. Yes, it would.

Q. The ship's control problems you talked about, things were--where the Diving Officer of the Watch has to be able to maintain his depth and not broach the ship, be able to get the ship to submerge if there is an immediate threat to the vessel. Those are the kind of things that a Commanding Officer is aware of and learns through his career and just basics of submarining, isn't that true, sir?

A. Yes, sir, and matter of fact, the Commanding Officer knowing that, invokes training events to teach his younger people the same procedures.

Q. Yes, sir. Sir, there is--the Sonar Technician's are capable of determining the acoustic sea state prior to rising to periscope depth, is that accurate?

A. Yes, they are.

Q. Did Sonar along the acoustic sea state in this case prior to rising to periscope depth?

A. I don't remember if they did. I don't--I really don't know.

Q. The acoustic sea state--the determination of the acoustic sea state, does that allow the ship to approximate wave length prior to coming to periscope depth?

A. Yes, it does. Wave height and often it will tell you the direction of sea, so that--if you'll remember in our demonstration at the training center--the Diving Officer, before we went to periscope depth, asked the direction of sea state and size of sea state. He asked his operator, we were able to give him--we gave him that data, the direction that rough idea of sea state based on acoustics. You can pick courses that are better or worst based on the predicted sea state or ship control.

Q. Yes, sir, the--we talked on Friday about as long as you're maintaining a contact on sonar that the depth doesn't really affect the ability of sonar to track with the surface contact, is that correct?

A. That's correct.

Q. And, if the ship is moving let's say faster than 10 knots, the default you discussed, that would accelerate the rate of change of bearing, would it not? You would have a tendency to accelerate the rate of bearing change?

A. Yes.

Q. So, on a shorter TMA leg at higher speed than 10 knots would tend to offset and compensate for the length of the leg, would it not?

A. Yes it would, but--yes, if you were steady--steady on speed, it would tend to--might be able to allow you to reduce the length of the leg.

Counsel for CDR Waddle, party (Mr. Gittins): Yes, sir. that's all I have, sir.

PRES: Counsel for LCDR Pfeifer?

Counsel for LCDR Pfeifer, party (LCDR Stone): Can I have a minute, sir?

PRES: Certainly.

Counsel for LCDR Pfeifer, party: No questions, sir.

PRES: Counsel for Mr. Coen?

Counsel for LTJG Coen, party (LCDR Filbert): No questions, sir.

PRES: Well, this is what the court is going to do. Counsel for the court any comments before we recess?

CC: Yes, sir, I need to warn the witness, sir.

PRES: Alright.

CC: CAPT Kyle, you are directed not discuss your testimony of this case with anyone other than the members of this court, parties thereto and the counsel. You will not allow any witness in this case to talk to you about the testimony he has given or which he intends to give. If anyone other than counsel or the parties attempts to talk to you about the testimony in this case, you should make the circumstances known to the counsel who originally called you as a witness, and that would be me, sir. Do you understand that?

WIT: I understand that.

[The witness withdrew from the courtroom.]

CC: Mr. President, that's all I have.

PRES: We're about to recess the court, but for the Security Officer, I'd like you to go ahead and take the measures back, so we can go back and declassify the--what the procedures are like over recess. I think what we are going to do is recess until 0915. I think this is more than enough time here since we've had such an important morning already. So at 0915, plan to be in session, alright. This court is in recess.

The court recessed at 0859 hours, 12 March 2001.

The court opened at 0915 hours, 12 March 2001.

PRES: Please be seated. This court is now in session.

CC: Let the record----

PRES: Counsel for the Court?

CC: Thank you, sir. Let the record reflect that all members, parties, and counsel are present. CDR Mike Quinn, assistant Counsel for the Court, is again present for this session of the court. Sir, just as a matter for the record, over the weekend the Fire Control Technician of the Watch and the Sonar Supervisor requested counsel be appointed to advise them, and

counsel was made available by the Convening Authority, ADM Fargo. For the information of all parties, CDR Orlando Ruiz-Roque has been assigned to represent the Sonar Supervisor, and LT Bill Boland has been appointed to represent the Fire Control Technician of the Watch. At present, the court has not designated either the Fire Control Technician of the Watch or Sonar Supervisor as parties to this investigation. Again, a reminder to everyone to speak slowly and into the microphones to allow our interpreters to do their job. Sir, that's all I have in terms of procedural matters.

PRES: Procedural matters for Counsel for the Parties?

Counsel for CDR Waddle, party (Mr. Gittins): Sir, I'd just like to--if I might find out where the two counsel are from that are representing--that have been made available to those two individuals.

CC: CDR Ruiz-Roque is from Naval Legal Service Office in Jacksonville, Florida, and LT Bill Boland is from Naval Legal Service Office in San Diego, California.

Counsel for CDR Waddle, party (Mr. Gittins): Thank you, sir.

PRES: Counsel for LCDR Pfeifer?

Counsel for LCDR Pfeifer, party (LCDR Stone): No, sir. We don't have anything.

PRES: Counsel for Mr. Coen?

Counsel for LTJG Coen, party (LCDR Filbert): Nothing, sir.

PRES: Let's call our next witness.

CC: Sir, at this time the court calls RADM Albert Konetzni to the stand.

Albert H. Konetzni, Junior, Rear Admiral, U.S. Navy, was called as a witness for the court, was sworn, informed of the subject matter of the inquiry, and examined as follows:

DIRECT EXAMINATION

Questions by the Counsel for the Court:

Q. Admiral, I have some--just some preliminary questions to ask you before I turn it over to VADM Nathman.

A. Yes, sir.

Q. Sir, would you tell us your full name and spell your last name for the record?

A. My name is Albert Henry Konetzni, Jr., K-O-N-E-T-Z-N-I, sir.

Q. And, Admiral, what is your rank?

A. I am a Two Star Rear Admiral, Rear Admiral Upper Half.

Q. And your current duty station?

A. I am the Commander of the Submarine Forces in the Pacific Fleet and also the Commander of our ASW Theater Forces in the Pacific Fleet.

Q. Sir, how long have you served in that assignment?

A. Since May 8th of 1998.

Q. Admiral, would you please describe your duties as Commander, Submarine Forces, U.S. Pacific Fleet, to the court?

A. I operate, I train, I equip all the submarines under my charge, right now 26 fast attack submarines and eight Trident submarines and I prepare them for deployment. I take care the 13,000 people, who in fact, are my men and women in that force. As the Commander of our ASW Forces in this Fleet, I operate under Third Fleet and/or Seventh Fleet, under the direction of Commander of our Pacific Fleet for ASW tasking.

Q. Sir, beginning with your current assignment and working backwards until the time when you were a Commanding Officer of a submarine, would you describe your duty assignments and your primary duties and responsibilities in each of those assignments?

A. Yes, sir. I've been here almost 3 years as Commander of Submarine Force, Pacific Fleet, the finest job I've ever had. Before that I was Commander of Submarine Group SEVEN, CTF Commander, Task Force 74 in the Pacific Region; and CTF 54 in the Southwest Asia region. At that time, I lived in Yokosuka,

made dear friends with our Japanese friends, I see many of them here today, and enjoyed very, very much a wonderful relationship I had with many countries; including, the Republic of Korea, Japan, Singapore, Australia, and others. I bring it up because I think it's very, very important, very, very important, because with our Fleet size so small, particularly in my business, that we need to have military fighting partners, and so I take that real seriously.

Before that job, I was the Policy and Personnel Officer for the Chief of Naval Personnel; before that, a couple of--for a couple of months, I was the financial person, the programmer for the Chief of Naval Personnel. Before that tour, I was in charge of the Fast Attack Submarine business in OPNAV on the CNO's Staff. I served, before then, as the Chief of Staff, the Atlantic Fleet from 1991 to 1993. Before that I was the Senior Member of the Chief of Naval Operations Strategic Studies Group up in Newport, Rhode Island; and before that time I was Squadron Commander in Submarine Squadron SIXTEEN, one of our Polaris squadrons then our Poseidon squadrons down in Kings Bay, Georgia before the Trident submarines came down to that point. Before that tour, I spent 3 years at the Naval Academy as a Battalion Officer and the Deputy Commandant of midshipman.

Before that tour, I commanded GRAYLING for 3 years--the USS GRAYLING (SSN 646) in the Atlantic for 3 glorious years, wonderful, wonderful job with wonderful, wonderful people. I made two and a half deployments on that ship, one to the Barents, one to the Mediterranean, and one to the open ocean of the Atlantic. Before that tour, I served as the Executive Officer detailer and the Placement Officer in the Bureau of Personnel for all submarines. Before that tour, getting a little old here--when you get very old you forget things. Before that tour, I was Executive Officer on USS KAMEHAMEHA, when she made patrols out of Charleston and Rota, Spain, as an SSBN for about 2 and a half years. Before that tour, I was the Engineer on the USS WILLIAM H. BATES, a fast attack submarine, for 4 years, including the construction shakedown and three deployments; and before that tour I was a Company Officer at the Naval Academy, I spent a lot of time at the Naval Academy, been involved with a lot of young people over my life. There was a Guidance Counselor Tour; and before that I was a junior officer out here, in the Pacific, on the USS MARIANO VALLEJO, for about 3 years.

Q. Thank you, sir. Sir, how many years have you been qualified in submarines? Total years?

A. I qualified in submarines in 1969. I guess 32 years, sir.

Q. And, sir, how much of your time in the submarine force has been spent at sea or in an operational type job?

A. Well, I don't want to bore you here, but probably about 18 years of that time.

CC: Thank you, Admiral. VADM Nathman?

PRES: RADM Konetzni, welcome.

WIT: Yes, sir.

PRES: Sir, as you can imagine, we have a lot of material that we want to cover this morning.

WIT: Yes, sir.

PRES: The way we'll do it is the court will address a number of areas and I'll go through those areas with you, and after the court finishes, we'll have the counsel for the members will probably go into a cross-examination.

WIT: Yes, sir.

PRES: The areas that we're interested in covering this morning is the search and rescue mission that GREENEVILLE performed. There were several comments made by RADM Griffiths and we're interested in your sense of how that went, as well as some ideas on the capabilities that our U.S. Submarine Force has. We'd like to cover the appropriateness of the operational area that you use now off the southern coast of Hawaii, how appropriate that is. We'd like to review operational risk management, and how you see the submarine force using that. We'd like to look at the command climate, since you have an operational hat as well as an equipment and training hat, we would like to look at the command climate----

WIT: Yes, sir.

PRES: Of USS GREENEVILLE. We'd like to specifically understand what you understand your role of your Chief of Staff was on board that day as a rider or as a senior officer onboard USS GREENEVILLE; and finally we'd like to discuss, at length, the

Distinguished Visitor Embarkation Program as executed by Commander, Submarine Force, Pacific Fleet?

WIT: Yes, sir.

Questions by the President:

Q. So, let me just start with any comments in your operational hat about the performance of GREENEVILLE--USS GREENEVILLE on the 9th of February in relationship to her search and rescue mission that she conducted for the EHIME MARU?

A. I think it was perfect. I mean this terrible tragedy, this disaster that occurred, it did occur. We teach, I specifically for the last 3 years, tell every Commanding Officer that comes through our school that you better be prepared for the untold incident, and I think in this case from what I can see, that everything went just about perfect after this terrible tragedy. Because the crew could fall apart, and it's something that is very difficult to teach when we're teaching people to succeed, that is, what you do when a Sailor dies onboard, or what do you do when you have flooding, what do you do when you know that there could be a loss of life. And in my mind, from the earliest reporting, people took charge. I was very upset when the Master of the Japanese fishing boat came out--I understand, truly understand the emotion, but I was upset because things were done very well--very well. The report was done within minutes on the HICOMNET, fastest way to get the word, that's the HICOMNET to my Headquarters. My people down there reported instantly to the Coast Guard. The Coast Guard had a helicopter in the air in moments.

I can only imagine, I was not there, but I can only imagine the terrible feeling--I can only imagine it watching that ship sink. It would make a mortal man, I suspect, probably stumble and fall, and not act accordingly, but this ship did well. From moving the civilian people, who had nothing to do with this, out of the Control Room to a safer place, to getting up on the nets, to what I understand is something like five or six men getting into their dive outfits, getting the bridge manned, it's not an easy thing to get that hatch opened; making sure the ship is surfaced and making sure that people are safe in life rafts. I think it was perfect, sir. There was no way, in my mind, after being a submariner for a long time, that we would put people over the side in a harness just to have them bash their skulls along the side of that hull, with the waves coming over, it was the right thing to do. And I'm very, very proud of the crew of

GREENEVILLE and my Chief of Staff, CAPT Bob Brandhuber, for what occurred during what had to be the most difficult time, sir.

Q. Admiral, are you satisfied that GREENEVILLE in performance and her mission, both the SAR Coordinator and as an asset conducting SAR, that she was properly relieved before she returned to port?

A. I am, sir. Maybe something I'm missing, Admiral, but I--I really am. Obviously, a submarine is not an ideal search and rescue unit, submarines are made for other things than search and rescue, it's just their design, but I am convinced that she was properly relieved by the Coast Guard.

Q. One of the points that RADM Griffiths made before he left, one of his overarching points was that we should look at the capability of U.S. submarines in terms of the open ocean SAR. Do you see that as an insightful place for us to go? Do you have any recommendations as to how the court should proceed on this matter? One of those things that sticks in my mind is that we should perhaps suggest to our Navy that they review this capability. Any comments on SAR capability?

A. I would strongly recommend that we don't do anything in that regard, it's a waste of time and it's a waste of money, and please don't think for a moment that I'm--that I'm just trying to disagree with RADM Griffiths, he has every right--I was the one that tasked him to do the Preliminary Inquiry. But you know when push comes to shove, and there's a great article in a book written by a British man, and he talks about submarines and he talks about surface ships are made for pomp and circumstance, for search and rescue, they're made for carrying Heads of State, and at the very end he says a submarine is made for war. Anything you do to upgrade the search and rescue ability will take away from other areas. I would tell you some things that are much more valuable to have on one of my submarines today, based on where they operate and what they have to do in peace time and war time, sir. I would not go to spend any time or effort on improving their search and rescue capabilities.

Q. Well, my question goes directly then to--and since I don't think the court has the technical capability to make recommendations to the Navy as to what capabilities a submarine ought to have, I'm asking the question from a standpoint only. How would you recommend we direct the question?

A. Admiral, I think that what our submarines need that can help us in that area would be perhaps things like better periscopes. We have a damn fine periscope, but quite frankly, there are better periscopes on the market. I think that perhaps one could

look at some areas of what can you throw over the side, although that submarine has two four man rafts and many, many life jackets and alike, but I don't think that it is an issue that should be addressed because it will take you down--in my mind, it will take the Navy down an area that might be politically correct, but it's going to add very, very little value to the submarine with 4 feet of freeboard in a pitching sea, it's not going to help anybody. The cockpit on a submarine, that ship's cockpit, is made really for three or four people at best, and that's tight, it will be very, very difficult to go ahead and to make that bigger without losing some of your mission capability on other critical missions, Admiral. For me, I think if I were you, I would stand tall and say we're not going to go there, we've got about enough, realize that that is the limitation of a U.S. submarine. In this case, the best thing that this ship did was the only thing they did, get in touch with people as soon as possible, sir.

Q. RADM Konetzni, I don't see it as a case of us standing tall on this issue, I see it as a case--cause I feel this court does not have the technical expertise to go down that route----

A. Yes, sir----

Q. So, what I'm suggesting here is the court may ask that the Navy, the big Navy----

A. I see----

Q. Review this and then people with your type of experience, as well as the view of the CNO Staff, in particular, could look at this as a matter with recommendations, obviously from men that are experienced like you, the Type Commanders, to say what is the right capacity or is this shaped about right, but I think it's appropriate for us to suggest that this be reviewed.

A. Yes, sir, I agree with that, sir.

Q. Let's go to the next subject here then, I think we've covered that, is the operational area, and I'll go to my very specific question here. How do you collaborate, or has there been any collaboration with the Type Command, Commander, Surfaces Force--Submarine Force, Pacific, with the Coast Guard, with any type of review or any other agency review of the density of traffic that typically is--crosses that operational area?

A. We do not have a formal review chain to look at density. The fact of the matter is, we know when this very, very interesting port here that there is no traffic separation lane here [pointing laser at exhibit], we've known that for 40 years.

We do know that the tankers go through the Kauai Channel to the west of Oahu, we know that. We also know that any steamers that might be going between the islands will stay very, very close to the coast. This operating area that was given to GREENEVILLE that day, in my mind, was about as safe as can possibly be. The fishing boats go north of Oahu, the----

Q. Admiral----

A. And the steamers that might go along the coast to go over to Molokai, whatever it might be----

CC: Admiral, we have a laser pointer right in front of you, sir, that you can use to----

WIT: Thank you, sir.

CC: To work the chart [referring to Exhibit 17 on the wall.]

WIT: If you take a look at us right here [pointing to Exhibit 17], this is the operating area, a very large area. Your question, Admiral, was do we review with the Coast Guard? Well, certainly we reviewed in 1963, we reviewed in 1970, we reviewed in '97 because we changed the charts, and I kind of chuckle how it changed, we changed it on the military charts, somehow NIMA did not change that area way off here [pointing to Exhibit 17] that says Submarine Operating Area ONE. I'm not so sure that has an awful lot to do with anything, so 1997 we did, but we've known--and things don't change very much here, perhaps downstream with many, many more, and this is not going to happen--ocean liners come here things will change, but even that is not changed. We know that the fishing boats go here and up [pointing to Exhibit 17] and I'm talking about the U.S. fishermen. We know that there's a verbal agreement that the tankers will go through the Kauai Channel rather than this channel, we know that, we've always known that.

We know that all small guys will stay along the coast and then head on over, this is, in my mind, a very appropriate operating area. We use it a lot we know an awful lot about this operating--we use Penguin Banks as well, in fact this ship in 1999 exercised--I was onboard, November '99, with a Japanese submarine, Hayashio, one of the most difficult things, the Admiral knows that, that I have seen in my time in the Navy, with a deep submergence rescue vehicle onboard, so we know we got the banks down here because that way we could put Hayashio down to 400 feet on the bottom, I rode that DSRV.

As far as ships crossing us off here, doesn't happen. I think we certainly know now that the Japanese fishermen and the fishing instruction ship was doing everything that they should have done. They were going to 200 miles on 166 down south, but that area--and that upset me too about highly traffic, that is not a highly trafficked area and anybody who says so is wrong.

Q. Do you think, Admiral, that there--you said you did a review when you changed the charts of '97. Does this incident imply to you that maybe you ought to have an appropriate amount of time before you do a review or are you satisfied that in terms of traffic density, that the things are just about right in terms of your operational area?

A. For this area, sir, I am satisfied that we know and have known what the traffic density is coming out of Honolulu. Whether it be fishermen, small merchants going to the other islands, barges and tows, that sort of thing and the tankers, we have a very good feeling. I would tell you also though, sir, that one of things that has to go with this is it's not lost on any of my Skippers, including CDR Waddle, that he has--he has the obligation, truly the obligation, to make sure that the waters above him are free irregardless of where he may be operating. He knows it, everyone of Skippers know that.

PRES: Okay, you answered my next question. RADM Sullivan, do you have any questions?

MBR (RADM SULLIVAN): Good morning, Admiral.

WIT: Sir?

Questions by a court member (RADM Sullivan):

Q. I had a couple follow-up questions while we're discussing the OP area. You promulgate your assignment of submarine operational areas on a weekly basis?

A. Yes, sir.

Q. Can you give me a feel of who, besides your staff, and of course the submarines in the area, are--that schedule is promulgated to? For instance, is it promulgated to the Coast Guard or other forces?

A. Sir, we--obviously, we are the folks who take care of all water space management in that area, so certainly my submarines will know, the MIDPAC folks over here will certainly know if we have anything to do with underwater operations, and that message goes out to--if we do have underwater operations with other

people. Specifically, for submarine operations, we do not, I believe, let the Coast Guard know.

Q. Your area of responsibility, as you described, covers a great deal of the ocean surface, a lot of homeports that submarines operate out of, including the West Coast of the United States, Hawaii, and the Western Pacific Ocean. And this is--I'm asking you this as your opinion, and you've ridden a lot of submarines, I assume, in each of these type areas. Is that correct?

A. That's correct, sir.

Q. As far as contact density, traffic, where would you rate Hawaii relative to some of the other areas that I've described?

A. On a scale of 1 to 100, about a 3.

Q. Where would you consider the most difficult areas that submarines routinely operate in--in your AOR--area of responsibility?

A. I'm talking the whole Pacific because I do send ships to deploy. The Yellow Sea; the East China Sea; the South China Sea; San Diego, on weekends; the Sea of Japan, particularly around Cheju Do; going into Tokyo; certainly down in Singapore; the Straits of Malacca, as you know, sir, the Straits of Malacca make the Straits of Gibraltar look like a pie eating contest, very difficult areas. The Straits of Hormuz, difficult area to operate, this is a very easy area to operate, sir [pointing laser at exhibit].

Q. So you feel comfortable, again it's your opinion, for a ship to conduct independent steaming, day cruises, this is probably optimally placed, at least the local areas here [pointing laser at exhibit]?

A. Sir, this is the easiest, and I don't ever, ever want to minimize anything we talk about. As far as ship operations, this is one of the easiest areas in the world to operate. I don't worry on a daily basis of my ships going to sea out in the Hawaiian Op areas, I worry about other areas. It's difficult for me to replicate high-density traffic here, it's impossible for me to replicate it. I try, but it's impossible.

MBR (RADM SULLIVAN): One final question?

PRES: Yes.

MBR (RADM SULLIVAN): Could you walk the chart over to the Admiral, so he can take a look at some of the annotations [speaking to LCDR Harrison]?

[LCDR Harrison did as directed.]

Counsel for CDR Waddle, party (Mr. Gittins): I don't think we've identified the chart, sir. We're talking about----

MBR (RADM SULLIVAN): Exhibit 17.

Q. Admiral, to the north there, there's some nomenclature discussing submarine testing area or something to that effect. Inside the----

A. Yes, sir.

Q. Near south of Oahu.

A. Right here [reviewing Exhibit 17] got it, sir.

Q. Can you shed some light, or at least your opinion, what that means?

A. Well, I must tell you that until this tragic event occurred, I hadn't even looked at this. I am told that this area was put there in the early '60s. I do not know what was there before hand. I was told that it was updated again in 1970. I was also told that between '95 and '97, that we here in the Pacific went to--for the submarine force, went to a grid way of doing business, and that is, we would separate the water areas by grids, alphanumeric type grid. When we did that, we went to the folks who changed charts and said, "Get rid of these areas, go ahead and put the grid system down." It was changed on the military charts, the submarine operating areas, but some things were not changed. Should have been changed? I suspect so. Will it be changed? We're going to have those things taken out of there, sir.

Q. In your experience, and again, I'm asking you your opinion, if you were a mariner using that chart [pointing to laser at exhibit], not a submarine mariner, would that area--what would it mean to you?

A. I believe if I were a mariner, it would mean nothing. It certainly has meant nothing for over 30 years.

Q. Do you believe it should be removed from the charts?

A. I do. I do, because I think that like anything else, as far chartsmanship, you want to have as little information as possible, so that it is really, really pointed and looked at by

the mariner. And, I regret, although it has nothing to do with this situation, that the military charts were updated, but the civilian charts were not.

Q. Okay. One final question for you, sir, we--we discussed about the contact density in this area relative to the other areas that you operate your submarines in, but I still would like just to talk a little bit about the fact, and you eluded to this fact, when one of your Commanding Officers, or when you were a Commanding Officer even, preparing your ship to go to periscope depth, does that really make any difference as far as contact density? Is that one of the principal things that you worry about or do you assume, for instance, this is a heavily contact area that I have to be more careful, or do you--or an area that's not very heavily traveled you can cut corners, slash, don't have to go through the same type of procedures?

A. Going to periscope depth is not a routine evolution, and I don't care if you had no contacts, you'd better be looking at it because we know from day one, even when I was an Ensign, that the submarine is burdened when it's submerged, it's as clear as can be, and I don't care if there are no contacts--you have to. Now have I gone to periscope depth without clearing baffles? I have. In a tactical situation, where I have one contact of interest and I had good track on him, and it was up in the Greenland Sea and there was nobody else there, but this is a simple evolution, it's not routine, and it's one we take very, very, very seriously. It's a team endeavor. Okay? It's team endeavor, and when the team doesn't work right, bad things happen.

PRES: Admiral, let's move to--I think you've kind of opened an area here, I'd like to move a little bit to--cause I think you're in that area right now, some risk management issues----

WIT: Yes, sir----

PRES: And, how you see the force using--I know it's a new term, in fact, we've had it described to us, I think in many ways, the submarine community was actually using Operational Risk Management--I think the Navy's been using Operational Risk Management for years, we've just formalized it and the reason why I think the reason was we formalized it a little bit in the force although it's not as well, I know from my experiences----

WIT: Yes, sir.

PRES: It's not as well-founded, it's a new approach, but it's to bring in our operators, some of our young folks, in

particular, who operate sometimes on their own to let them understand that this is a way that they can make the right risk decisions to minimize their risk. So RADM Stone, would you lead with those discussions?

MBR (RADM STONE): Sure, good morning, Admiral.

WIT: Good morning, sir.

Questions by a court member (RADM Stone):

Q. Admiral, I'd appreciate it if you could share your views with the court on what Operational Risk Management is, and what role does it play in the United States Navy today?

A. I think it's critical. I--Admiral, I personally don't like the term because it sounds a little antiseptic to me, the term. I--I think VADM Nathman is 100 percent right. My community for a 100 years has been using risk management. I have always used the term, personally, as prioritization. We talk about it constantly. In our business prioritization I think is very critical, even when we complete here, you know, we'll have a stack of paper that will probably be 20 feet high, but the issue of what happened that day could be put into, in my mind, prioritization. We hit on it everyday. I hit on it with PCOs, I hit on it all the time.

What am I talking about as far as that prioritization and equating it to risk management? Anytime we have an untoward event as a mariner, but particularly in my business, anytime, we'll have enough paper and enough lessons learned to choke somebody, but what's really critical is what happened or didn't happen as far as prioritization. And I'm talking about technical things. There's no doubt about it, that when you have a problem, that you need to take a look at technical--was the mast head height right, was the light working, was the sonar working, but it's clear to me that risk management has to do with prioritization. Did we give enough time? Did we put first things first? Do we know what's important? We deal with it everyday with these folks sitting here. We deal with it in force all the time. As the result of the Operational Risk Management that my business has done, we've had very few incidents, very few incidents.

You know, I took a look in our Navy and I wanted to see how we were. In the year 2000, we didn't have any Class "A" Mishaps in the submarine force. We didn't have any. There were many in the other communities. In the last 6 years, due to all Class

"A" Mishaps in the submarine force, we've expend--a Class "A" Mishap is a million dollars or death. Our cost has been something like \$14 million, the rest of the Navy has been \$300 million, very close to that. Now, clearly I'm a smaller chunk of the Navy, so I don't want to draw comparisons. In my time here at SUBPAC, I don't care whether the issue be tactical, I don't care whether the issue be operational or the issue be people, we have put out literally 100 different directives from lessons learned to changes in the books because we pull everything out. And, it at all boils down to every incident or accident I've ever seen in 35 years in the Navy, to a prioritization or lack thereof, so I think we do very, very well. You could imagine I was shocked when I got the word on this one. It's too easy. Shocked, sir.

Q. Sir, you mentioned, Admiral, putting first things first as one of the components of prioritization. For the last 10 years, I have been personally been either operating in the Gulf or Sixth Fleet, now off the coast of California just completing the JTF Exercise, and safety is paramount is always the theme of our peacetime exercises in events. In other words, first things first equates to safety being the top priority in peacetime. Is that in fact the SUBPAC priority as well?

A. There's no doubt about it, there's no doubt about it. I think that's what's so tragic about this event. I feel bad for my force, I feel bad for submariners, present and past, because we put safety so high. There's not a single event that is untoward--that is not dissected a thousand ways to get down to the bottom. In our nuclear propulsion program, we've become over many, many years, way in the beginning, we've become expert at taking the emotion out of any event, any single event, and getting to the bottom line of it. I worry, not about those areas, I worry about my guys operating with four or five hundred contacts a day, driving a 360 foot long submarine in a 150 foot of water and doing it for days on end, and they do it very well. You couldn't do that if you weren't safe, if you weren't trained, if you weren't prepared. You couldn't do what GREENEVILLE did in November of 1999, out at Penguin Bank, very close to the area where this terrible accident occurred, hovering for over, in my mind, and I might have this a little wrong because part of the time I was on the Deep Submergence Rescue Vehicle, the mini submarine, hovering for 7 hours, hovering no speed on. The ships aren't designed very well for hovering. No speed and staying at a constant depth, so we could get back, that's safety, that's knowing the rules of engagement regarding safety, that's the appropriate prioritization, sir, that's knowing risk management.

Q. Yes, sir. One of the questions I have for you next relates to a submariner's perspective on periscope search, and from my Surface Warfare background, I'm very aware that when we go out to sea and we go to shoot the gun, if we're going to shoot our gun out to 8,000 yards, we visually search to ensure that that area is clear of contacts. We put a helicopter up, bridge wings are manned, and we're searching to ensure that there are no small contacts within the range that we're going to be firing the gun. And the reason for that, is the obvious one, that to do otherwise would be simply hoping that there's nothing out there, sort of a big ocean theory, and hope is not a safety action.

Now from a submarine perspective, if you're operating off of Diamond Head, and one of your submarines is going to be doing an emergency surface--we've talked last week about all the various components of--that go into assessing safety for that sort of evaluation. We've talked about ESM and about your target motion analysis, but as I was thinking over the weekend, I was saying to myself, well, what if you were off Diamond Head and one of us was out there with our families on a sailboat and you're proceeding along at 10 knots in the afternoon--and one of SUBPAC submarines wants to do an emergency surface in that general area. There's not going to be any ESM off of my sailboat or any target motion analysis to be done, and so this last fair chance for the submarine to really see me in my sailboat, before it does its emergency surface, is through the periscope in this periscope search. And so, I was thinking well, if the periscope comes up and the CO looks out to a range, that range had better be in excess of what this family in the sailboat is steaming along off of Diamond Head, because if that range isn't verified to that distance, much like the gun, you're just hoping that no one is out there after you go deep for 6 minutes and then pop up.

And so, I wanted to ask you, sir, with regard to the periscope search, isn't how far out the Commanding Officer is looking through his periscope a key ingredient for safety and why would the submarine not go to a broaching depth in order to make sure that there's not some sailboat out there that he's not seeing on any other emitter? So if you could walk me through, perhaps as a Commanding Officer yourself earlier in your career, how that periscope search is done and how the Commanding Officer determines what height to come up to to ensure it's safe?

A. Yes, sir. I would be honored--I'd be happy to do that. I think it's critical now though earlier in my own testimony,

right here though, to tell you right off, as you know, I don't know exactly what happened that day, I wasn't there. The damn press said I was in Japan, or I got called away to Japan. I have been going to Japan since November, and Korea I might add, whenever I was going to be there. This submarine and everyone of my submarines, these guys in the front table know that they have an unbelievable obligation to make sure there's no one in the area. And you hit it on the head, and you better get as much pole out there as you possibly can, periscope height, because that's your obligation.

And, sir, we can go through, I call them--I use that term--it's probably unfair to the families, I don't like the term "Red Herring," I guess I learned it many years ago, but I call them kind of misnomers. The civilians onboard, we'll get to that, they had nothing to do with this, not a thing. And if they did, then I got problems with Skippers, and I don't think I have problems with Commanding Officers. Joy ride, forget it, it's wrong. A piece of sonar equipment be out of commission, the guys are trained. They're trained to go ahead and substitute, make additions, look harder do what you want. The CEP Plot, Contact Evaluation Plot, a very important--favorite thing to me--of mine, but in this instance has nothing to do with it. Third of the crew gone, they were training, that's what they did, they were only out there for 6 hours, that was appropriate.

The business, I think, of the planning purposes in doing these kind of trips, that I know we will talk about later, Admiral, I have to laugh when I think about it, it's so tragic. There have been three times in this force here, three times in my 3 years here, when we have broke china in putting people to sea. One was this time, but we really didn't break it, it was a good move. People made decisions, in my absence, I think they were good decisions. The Skipper has the right to do what he would like to do in that regard as well. One was when a Defense Science Board was going to ride a submarine off San Diego, and I said no, and I finally thought better of it and did it, that was about 2 years ago, and one was last Friday, that's what won the Cold War. One was last Friday with the SCOOP JACKSON going into Bangor, it finished an exam and would have stayed out over night, but the good Americans are so smart, and I love them for it, they said wait a minute, we've been gone for 70 days, can we see our wives?" And, the good people up there, that's RADM Griffiths location, said, sure, you can go out tomorrow morning and you're going to take guests out.

I only want to repeat though because I'd like to go ahead and answer your question because I think that this is the meat of the matter. A Commanding Officer, my Commanding Officer, me in command, anybody in command, has the absolute obligation to make sure the area is free. Absolute obligation. This is a team endeavor. I love this Commanding Officer. I tell you he is one of my best friends. I think more of his wife than I can tell you. I think he's a great family guy. I've ridden his ship during evolutions that are much more difficult, much more difficult, but you take the Conn two times. You say, "go to periscope depth." The team endeavors, it starts to fall, and you say, "emergency deep," you set a bunch of things in motion that you can't back out of, and so that's what caused this collision. Plus the fact that probably the stars and the moon and a few other things weren't going right because you couldn't replicate this in a million years, there's no way you could replicate this.

In my 35 years of doing this stuff, since my graduation from the Naval Academy, every time that I needed to show scope in a non-tactical situation, I would put as much periscope out of the water as I possibly could. I don't remember everything in my lifetime, but I do remember broaching when I would do this type of order. After all, who cares. I don't care if anybody sees me, I don't care if a P3 is over here in Hawaii, I would do that differently, tactically, I certainly would, but I think there was an obligation to go shallow and take a look. I think that the ship should have gone shallower, I think that time allows integration of the team. It's time, it's time, it's time, but if you're going to take those on, you'd better be really good. If you're the Commanding Officer, you better be good. You better be better than I ever was, and that's the problem.

I would just tell you, Admiral, if I can give you an example of my own life. The same as you were saying, I remember shooting, 1982, I think or '83, a war shot Mark 48; service weapons test, you shoot it at a screen. You can't see it, it's a big buoy about 10 miles out, you got P3's flying over, we've got escort ships, everybody's making sure the area is clear. I didn't trust--I didn't trust it, so I broached before, looked down that bearing where this thing is going to go. I wanted to make sure, just in case. It isn't that you don't trust all those other things, no. I'm a submariner and this is not where I need to ride the tactical line, and this was not a day where we had to ride any tactical line.

MBR (RADM STONE): Sir, thank you. That's all if had, sir.

PRES: Admiral, you've kind of taken us to the next area of your discussion. I'm interested--you wear two hats, you wear an operational hat, you wear an equipment trained hat as Commander, Submarine Forces, Pacific Fleet.

WIT: Yes, sir.

PRES: So you have an occasion, and your forces has always been renowned for its closeness, its tight knitness, and how people understand each other, and that may color your views, but I'm interested on your observations of the command and the command climate on USS GREENEVILLE, and I think you can take us in areas that we may not even have to ask questions about, but I'd like to ask the Counsel for the Court to ask some specific questions on that----

WIT: Yes, sir----

PRES: And see where we go.

Questions by Counsel for the Court:

Q. Admiral, this is--this is an area that, as VADM Nathman has said, the court is very interested in trying to get its hands around. And I think, already, in your testimony, you've talked about your sense--the kind of officer that CDR Waddle is and how you feel about him, and as we mentioned, the thing that we're having some trouble with is understanding how this kind of collision could take place knowing the kind of command, or at least we think we know what kind of command GREENEVILLE is, and that's what I'd like to spend a little bit of time on.

Sir, you mentioned that you have ridden GREENEVILLE at sea in the past. Can you tell us how many times you've done that and the circumstances in which you've ridden her?

A. Yes, sir. I believe the first time that I rode the USS GREENEVILLE was in November of 1999, that was during an exercise with our Japanese friends in the Maritime Self-Defense Forces. I've grown a great relationship with them, my time in Japan. We tried to help Japan out after the Japanese Self-Defense Forces shot down the A-6 in RIMPAC 1996. ADM Natsugawa became a very dear friend of mine and I went up there when I was living in Japan and said what can we do? Basically, we decided that it's a very professional force that Japan has, defense force, and it's been an unbelievably close relationship since 1960, between American submariners and them. And so over there in 1997, we did the first Deep Submergence Rescue Vehicle Operation in

Sagami Bay. Chiyoda, which is the ship that holds the Japanese Self-Defense Force Rescue Vehicle, and the USS CAVALLA, I rode that ship, we had some Japanese citizens onboard to watch this.

I really never forgot that discussion with then their Chief of Maritime Staff, ADM Natsugawa, and the fact that we need to be close, we need to engage, it's one of my three themes, so when I got here, I knew that we could actually continue this type of operation. I had it in my mind that downstream, if this was successful and I knew it would be, it would be a good way to get Japan to be a little bit more close with the international militaries in Asia. And so what I did is--a set of my young people, under Scott's command on GREENEVILLE, and my people who work in San Diego, folks who are out here with Scorpio, my deep submergence rescue people, if they can do it, I'd like to go out and watch this. So in November of 1999, I went onboard CDR Scott Waddle's ship, and we went out to Penguin Bank, only about 5 or 6 miles from where this terrible tragedy occurred, and I got myself into the Deep Submergence Rescue Vehicle, I believe it was AVALON, we have two, one's now decommissioned, but I believe it was AVALON, and made the transit several miles after we released to Hayashio, Hayashio was on the bottom of Penguin Bank.

I'm fairly big, I will tell you I did not feel very comfortable in that ship, that little Deep Submergence Rescue Vehicle, but I wanted a sense of what my people go through. We got to Hayashio, was a grand day for me, we had a wonderful bento box lunch on Hayashio, and I came back to GREENEVILLE. It was a very, very long day for me because there's not much air in a Deep Submergence Rescue Vehicle, carbon dioxide builds up and you're on battery power. We actually had a problem getting what we call the seat mated with GREENEVILLE on the way back. That ship was so professional, this guy's ship [pointing to CDR Waddle], CDR Scott Waddle, that they maintained depth plus or minus 6 inches for a couple of long hours duration, so I could get back on. In that period at sea, I knew the ship was well led. I could tell you they were as formal as can be and truly my life and several other lives depended on that. And I would say the same thing for Hayashio, she did a beautiful, beautiful job, so I was most impressed, most impressed.

I don't know, because I can't remember from that November 1999 ride, probably because I was tired, I don't believe I said much to the Commanding Officer other than his people did an unbelievably professional job. I don't think I wrote him any notes--if I'm on a ship where I'm concerned, I will write notes

and give them to the Skipper and share them with only he and I unless I feel that his Commodore needs to be told. For two reasons, first of all the ship was operated beautifully, in my mind, and if you take a look at surfacing out here to what they did that day and the level of effort, tragically this thing, terrible--ended up to be a terrible accident, but I would call that a level of effort one, as far as what you need, and this was a 20, it was a very difficult thing and it was done beautifully, I just wanted you to know that.

Sometime later, I don't know why, I rode Scott's ship last March, and they did standard training, I enjoyed it very, very much, a lot of camaraderie. A great Wardroom, like all Wardrooms you have some young people who are in training, and great Chief's quarters, I was most impressed. And, as I remember my comment, but I don't want the court, I would ask, Admiral, to please take this the way, and I will try and explain it, I don't know how to put it in words, at the end of the time, I didn't write any comments down because I was impressed with the communications, I was impressed with the professionalism, I was impressed with the cleanliness, all of these play together. I was impressed with the crew, they were not only happy, they were supportive, they were a team, they were enjoying themselves, and they really, really helped one another. When I left, as I remember, and I said this out of love because I saw this in myself in my early days in command, I told Scott Waddle two things: One was, "Hey, you're the only guy who's informal on this ship." I meant it with love, I meant it with love. And I also said, "don't run to fast, let them catch up." Now did I say that exactly, I said it in his Stateroom and it's as best as I can remember it, it was out of love, because I wanted this man, to truly, if possible, be what I have become, and that was to have great influence on the Navy and the process of our Government, as far as military defense and so forth. And so, I don't want you to read those the wrong way, but that was the sense that I have, this was man running a good ship.

Finally, I think unlike any other people in the Navy, we're a family in this submarine force, we're family, we're still family, regardless of what happens here and this terrible situation, we'll be family. But, I ran into a young fellow which I think says it all about this ship, I've been here 3 years, before this I spent almost 3 years in Japan, and it always hit me that if you don't keep the main thing the main thing, you lose that ability to prioritize that I mentioned before to RADM Stone. And sometimes I find us, in our Navy, easy to what I call churn, just go through the motions, but you

don't go anywhere, and it's always seemed to me that we should leave any command that we leave better than when we got there, I think the Skippers would agree with that, I think we all feel that way.

My three themes have always been efficiency, that I think we owe the taxpayers every bit of energy that we can give them on their dollar. I also feel efficiency allows you to prioritize, if it isn't smart to do, don't do it. The second thing is engagement. I don't like the word, but it means friendship. We don't have enough ships over here not to have allies, we better be close. We better engage the public and we better engage the Congress when we can and other services. The fourth--the third one though is people. I really believe in people, really believe it. And, that's the thing that I think this ship was unbelievably successful at, and this is why I love this ship, one of many reasons.

But, I went to a reception over the holidays of a man who lives in Japan, he visits here, and I went, I didn't want to go, but I made the obligation--my wife didn't feel good, she didn't come. Then some young fellow comes up to me--I suppose like a lot of old guys like myself do, I acted like I knew him. He was just reported to the GREENEVILLE, he was a reactor operator, nice handsome young fellow, I wouldn't know his name if he stood in front of me. And I asked the question that I would with any young Sailor, "How you doing?" He said, "Great. I just reported there today." The ship had just finished their restricted availability, which is a tough shipyard period, very, very fast moving, 13 weeks or so. And he told me that, "Wow," he said the COB, Chief of the Boat, senior enlisted, welcomed him aboard, you know, did all the things right, showed him where his bunk's going to be, and here's your qualification program and God are we proud to have you. And I must tell you, it brought a tear to my eyes. I said this is the way this people business is supposed to work.

So, that kind of gives you the tactical abilities that I saw, in a short period of time, Admiral, just a short period of time. I wasn't there for an investigation. It shows the people side of the ship. This ship has about a 65 percent first term retention over the last year, that's more than double the Navy's. Their attrition is about 5 percent, I think they lost one Sailor last year, unbelievable, that raises standards instead of lowers it, it raises standards.

Final comment that I would make is the ship completed a very successful shipyard period. It's a fast moving period. It takes a lot of teamwork, this selected restricted availability. They finished it on time, under cost, they did everything right. Normally I can find if a ship is bad if they do poorly under that type of duress. A lot of nuclear work in the like, sir. I hope that answers your question, sir.

Questions by the President:

Q: Admiral, let me ask the question then, the obvious one then, when you made those private comments to the Commander about your informality, and I don't want to twist your words at all here, you may want to reiterate this to the court, but the comment about, specifically about, "Let your people catch up." Does that say anything--something about the Commanding Officer's leadership style that the court should understand?

A. Yes, I--Admiral, I wanted to say it because it's on my mind. It was not a warning. I look, to this day, as CDR Waddle is at least my brother, maybe my son, I think that much of him. He's a very caring individual, he's very charismatic. I had found out about the time I had made it, that he had been--and again, this goes back into my culture that the people would not understand, he had been a cheerleader at the Naval Academy, and I said, "I got it." But I love him for that because although he would be unbelievably supportive of anybody he saw, you know, people who are upper on the scale, he did the same with his young people on the ship, that appealed to me. You know, sometimes you go to a reception as an Admiral and you find that people come to you until somebody senior comes in and then they go to him or her, this was not the man who did that. He would take care of the young ones as well as the senior ones and I saw that, but I saw a little bit of myself in command--in my early days in particular, in command of, hey, slow it down, give them the opportunity to grow. You're smart, but give them that opportunity.

Secondly, you have such a formal crew here, don't add to the noise level yourself. And--I did not see it, quite frankly Admirals are a problem for--quite frankly I know I would have told the Squadron Commander or we have gone over this in great detail, and I do go on ships where I say there's something wrong with this atmosphere, but it was a sense. It was a sense. I don't think that that was the way that overall that CDR Scott Waddle ran his ship, I really don't. But, I do believe that for an 8 minute period on this day, this tragic day, that taking the Conn two times puts a lot of effort on one man, one man. And,

Admiral, I know, as you all do, I feel very, very strongly about this business of command at sea, more than anybody will know. It's the only reason I joined this outfit, other than the fact that I didn't have a lot of money to go to college, but I like those stories. And I really feel very strongly that if you are going to take it all on, and I've done that, and you have too, we all have, you better make sure you know all the facts. You better make sure that you know what you're doing, because you're standing alone when you go that way.

PRES: Admiral, let's move into the--Counsel, do you have any more questions?

CC: No, sir, I don't.

PRES: Let's move into the next discussion.

Q. We really need to understand because of your absence from Hawaii at that particular time, we need to understand the role of your Chief of Staff and why he was embarked that day. Can you answer me that?

A. Yes, sir. Let me start from the--I think--if I--I think it's one of those stories that needs to be put together, and I think it's very explainable. I knew that my change of command was going to come sometime here in the spring, and I look forward to that. I also felt an obligation, and not trying to be the conquering hero, that's not my style, to go to Singapore, Australia, Republic of Korea and Japan to say goodbye to dear friends. And, so I went to Singapore and Australia in December to say goodbye to dear friends, and I planned, since November, to go to Japan, but first to go to Republic of Korea to see some of my military, civilian, political friends in both countries. And I did that. I went to Korea, I went to see friends and then went to Yokosuka, made calls on dear friends there, and then I went--I was--actually that morning I was in a hotel in Tokyo, I was going to have one more event that evening and come back on Sunday. I feel an obligation to tell you that because I hate misrepresenting facts by some of the people in the press, and that's just the way it is, but I had planned to go for a long time.

In my absence of course, my Chief of Staff, is Acting COMSUBPAC. That day, and I've talked to my Chief of Staff, that day I didn't have a clue that I had people going out on one of my ships, and nor should I have known that, quite frankly. I should not have known that. There are some things that I need to know and some things I don't need to know. I believe while I

was here in January, and I don't remember what date, I had a call from retired ADM Macke.

I know I was busy because I had just gotten back from a Submarine Flag Officers meeting in Kings Bay, Georgia, I had things on my mind that I wanted to accomplish, and he called, he never calls me, he's a nice man but I don't know him. I met him once, and he told me that sometime ago, a year ago there was a group of people that were to--I can't remember, something to do with a golf tournament, and of course for me--I don't golf, it doesn't make a heck of a lot of difference to me, and I did what I would do to anyone in this audience, if you ask for a ride. I'll say I'll send it in and see what we can do. I asked him to fax me the names, kind of comical now, one of the names looked kind of religious, I thought maybe one of these folks belonged to a monastery, that's the honest truth. But I sent it to my Public Affairs Officer, one of the best in the Navy, CDR Dave Werner, and I wrote on the bottom, "Don't break china." Meaning, don't upset any carts on this one. I didn't mean it as to be evil to someone, I just did it.

It so happened that my unbelievably good Public Affairs staff, it's only three people, but they're good, realized that back in September, from higher authority, from CINCPAC Fleet, a note had come in and said, "Hey, if you could give these people a ride that would be great." So the civilian lady, whose just a great lady, Roe Obrero, put--probably, I believe, put two and two together and said, "Oh this is the same group of people who were going to ride last year, but didn't make it over," --had something to do with a Missouri Golf Tournament. The fact remains that none of those people gave any money to the Missouri, except for the Nolans I'm told. I asked that this weekend when I went to dinner with one of my friends from the Navy league. But with that all said, they were going to ride. What we do in the business out here is that when there's a request, it could be from anyone in this room here. We do the same in Japan, for our dear Japanese friends, we take them out, and we've taken about 300 out in the last couple of years. Politicians, Naval Officers, standard civilian folks, Sagami Bay, it's a good program.

To make a long story short, on the 8th or the 9th of February, there were three ships available for a ride. One was the HENRY M. JACKSON that was making a mid-patrol stop here; one was the USS BUFFALO; one was GREENEVILLE. It had nothing to do with it being Waddle's ship or anybody else. The lady sends out a note to the squadrons and anybody available, knowing full well if

there's nobody available, we say no. SCOOP JACKSON, by my staff, was screened out for good reason, because of force protection issues and so forth--we try to minimize the times they go to sea, it makes other Sailors work a lot harder, we got to have escort boats and the like--and she was already going to do one already. BUFFALO had a material problem, same squadron as GREENEVILLE, and GREENEVILLE came. GREENEVILLE was, according to the schedule, to be at sea over the weekend for operational reactor safeguards training. And what occurred, apparently, is that some discussion between the Squadron Commander, which is appropriate, he runs their schedule, we just make sure the water's clear, and the Commanding Officer of that--the Commanding Officer felt, and I'm sure he was 100 percent right, I don't need this training at sea on the weekend, but for some reason these civilian guys and gals were left on the schedule.

My Chief of Staff, I believe, I really do believe this because he told me, he believed that he was going on that ship that morning and then getting off as the ship would continue on. And that's about right. He doesn't check the schedule here and there and everywhere else. It would probably bring the question with anybody, what would I have done if I had been here myself? Well, if I had gotten here that morning the ship would have been to sea, because I wouldn't have come in to work until 0800. That's the bottom line. If I had been here 3 or 4 days before, I couldn't tell you. I told you before, Admiral, we over--quite frankly, over a 100 or so in the last 3 years of these trips we've broken china three times. Three times, over a hundred because if anybody in this room, and these guys know it, Scott knows that, I don't let this stuff get in front of the young Sailors. I put out a message on January 17th that said, let's make sure the rules of engagement are right. I think you need to have that as background.

Why did my Acting SUBPAC, my Chief of Staff, Bob Brandhuber, ride the ship that day? I think he told the Preliminary Investigation for a reason. I really believed he wanted to see how the ship looked before his son-in-law, who is the Engineering Officer on the ship, detached. That's my honest opinion. My son-in-law was the Supply Officer on the TREPANG, I always wanted to ride--I would have loved to have ridden it, it was on the other coast though and I didn't. I think that's why he rode. Probably a quiet Friday afternoon, going to get in at 3:00 in the afternoon, 1500, and I believe that's why, that's the main reason he did that.

Now when he goes, he can no longer be Acting COMSUBPAC. And actually, CAPT Tom Kyle became Acting COMSUBPAC. I think that's fine. I personally feel that that's just fine. Obviously, over the years the rules of engagement have changed, so to speak, cause I was in touch when this accident--I don't think it was more than 17 to 18 minutes after the accident occurred I had a phone call and was starting to help with what to do and so forth. So when he rode the ship, although it has been stated in the paper, was he an escort--although it's been stated in the media that he went in place of me, that's wrong. I think he went primarily because his son-in-law was there and I don't know what families talk about in the evening over the dinner table, I don't know what his daughter, who's a wonderful young lady, talks to him about, but I think he wanted to see the ship, sir.

What was his role? He was a Captain riding a ship, like any Captain in the family would do, I'm sure he was trying to be a little bit helpful, sir, but I think it's as simple as that. He--what else, he knew Macke wasn't going to be there, that's a bunch of bologna for somebody to think he's going to go because ADM Macke's there, that's hogwash. Now he would get 8 hours toward his sub pay ticker, I wouldn't let those go away, but 8 hours or 6 hours or whatever it is, not very much, sir.

Q. Well, your comment about he wouldn't go as Acting COMSUBPAC, was--goes to your operational hat about being able to stay in communication.

A. That's right, sir.

Q. So, when you saw him go--maybe you should explain why you can't go in that particular capacity?

A. Sir, I need to have--in our--what we do--I--in my absence, or even in his or my absence I need to have a--an Acting COMSUBPAC, in this case it was CAPT Tom Kyle because he could be out of touch for even a short period of time. The truth of the matter is that generally I'm in touch, unless I'm in the air, or on a submarine submerged that might be on a broadcast schedule like we keep them down for 6 hours or even longer, but that is why CAPT Kyle at the time that CAPT Brandhuber was at sea was acting in my stay.

PRES: RADM Stone, questions?

MBR (RADM STONE): Yes, sir.

Questions by a court member (RADM Stone):

Q. Admiral, I've got a number of questions that are aimed to try to help the court get their arms around the issue of the role of Chief of Staff.

A. Yes, sir.

Q. The--when we talked with CAPT Kyle the other day, he was under the impression--and he told us that he was Acting as the Chief of Staff because CAPT Brandhuber was out to sea. Does that surprise you that CAPT Kyle was unaware that he was acting, actually, as COMSUBPAC at the time?

A. I think it's a matter of semantics, Admiral. I mean, I really do think it's semantics. He's acting Chief of Staff and you stretch that line, Acting Chief of Staff is Acting SUBPAC, so I think it was perfectly clear. It was certainly perfectly clear when I talked to CAPT Kyle on the phone from Tokyo, that he was the man at the scene or at least in charge.

PRES: Acting as----

WIT: Acting as COMSUBPAC, yes, sir.

Q. Sir, we've been studying Navy Regulations, particularly Chapter 9, which talks about the senior officer present responsibilities, and when whether or not CAPT Brandhuber meets the criteria for being the senior officer present because of his rank and position onboard GREENEVILLE. Do you, in your professional opinion, do you think CAPT Brandhuber meets the criteria for being the senior officer present onboard GREENEVILLE on 9 February in accordance with Chapter 9 of Navy Regs.?

A. Sir, if I could just prep this--the answer with one comment. I was the one who wrote in my endorsement that you need to look at the role of my Chief of Staff as a senior officer onboard the ship, it was me. It wasn't Griffiths, RADM Griffiths, it was me. I was the one who also said that you better look at me because at the end of the day, I'm in charge of training, equipping, operating, all these guys, and that's why I put that comment in there, and operators as well. Now that was me.

I don't think that Brandhuber--that CAPT Brandhuber had a thing to do with this one way or another. He went out there because his son-in-law was onboard, that's Konetzni's view of the world. Now how I understand Navy Regs when we talk about senior officer present afloat, it's a regional decision. ADM Fargo is generally in town--when he's in town as CINCPAC Fleet, he is the

Senior Officer Present Afloat. If he isn't, his Deputy takes over, if he isn't then I take over and someone gives me a call and I know what I do in that matter. The COMMIDPAC, or the Navy Region Hawaii, ADM Conway, is the Senior Officer Present Afloat for admin. So I--what I see is the portion of Navy Regs that says, "If you are a Flag Officer embarked, you have the right to order the Commanding Officer aboard." I've always known that. I always have every time I ride a ship, I know that I'm the man. It's a little like a senior officer or any senior officer, on a Navy barge or small boat, that sort of thing. In this case, he was a standard Navy Captain onboard, trying to help out, seeing his son-in-law, I know for the last time, I guess, before he transferred to the Nuclear Propulsion Examining Board here. And I see his role as nothing more than that, sir.

Q. Yes, sir. Are you aware of a COMSUBPAC Chief of Staff policy memorandum dated 6 September year 2000, subject Standing Orders and Policy While Embarked, that CAPT Brandhuber promulgated?

A. Sir, I found out that there was such a thing, but I'm not very--I haven't read it. That's a lie. I looked at it, but I didn't read it.

Q. Yes, sir. In that memo it starts out with the phrase, "Responsibilities set forth in reference (a), which is Navy Regulations in his memo, and it has a number of things that CAPT Brandhuber wanted to make sure were done whenever he embarked in a SUBPAC submarine, and when one reads that, one gets the impression that it parallels what's in Navy Regs, Chapter 9, regarding the duties of the senior officer present, in that the senior officer present has some responsibilities, general ones in the Navy Regs, for safety and security of the units that are accompanied with him when he's at sea.

And additionally, there is an article in Navy Regs that talks about how Commanding Officers are to keep the senior officer present well informed of the situation onboard their boat and in general, the situation for their orders that they are executing. So, these statements in Chapter 9 roughly parallel what's in his memorandum in that it appears that he was promulgating that memo to make sure that when he is onboard one of the boats that he's given the appropriate briefings and maintains the situational awareness reflected of the senior officer present. Do you think that's a fair assessment, based on what you know?

A. Yes, you know, I think you're caught between--Admiral, I think we're all caught between the words and what the law, you know, I say what our Navy Regulations say, and it is clear to me

that his policy note states, "keep me informed." And it's clear to me that any senior officer, my self included, sees something that's egregious, you're going to jump right in there and take action. It's also clear that he wants to be informed if something runs out of commission, or if something breaks, or something that is specific to the ship goes wrong. At the end of the day, I really believe, that this was a man who was riding the ship. He had an obligation to change things that he felt were egregious, and otherwise to help the ship.

So I think that you have to be careful--I think that we all have to be careful--to think that we put a senior officer on any vessel in our Navy, that he is in charge, that he has for any moment the responsibility, that is clearly the Captain, we've seen it time and time again. In the time of need it's the Captain. The Hobson Story in the Times in 1952, "It's the Captain, the Captain, the Captain." I've asked myself this too, what is egregious? I know for a fact, because he told me, that the Chief of Staff did not know that there were sonar contacts. So I guess you can ask the next question, should he have known that? No, no----

Q. So, Admiral----

A. And if you go that way, sir, my problem is, you don't need Captains anymore, you don't need them anymore, you might as well have a whole bunch of riders and let that whole staff make the decisions for them and that will ruin our Navy. He was the man that day.

Q. Admiral, would you expect then--in this memo, and I'll quote from----

A. Yes, sir.

Q. It says, "I expect reports on significant changes to the ship's status relating to ship control, navigation or readiness of the ship to perform planned drills or operational commitments." Would you expect him to of at least told the Chief of Staff about certain status conditions? You know, it's almost like it's a--we know this course. It's a quick courtesy call, "this is what's going on today, we've got the DV embarked," I would expect some type of conversation on this even without this memo. So with this memo, would you expect him like, "we're going to do probably an emergency dive and an emergency surface?"

A. Yes, sir. Again, I don't know exactly what transpired between the Commanding Officer and my own Chief of Staff, verbally. I know for a fact that my Public Affairs Officer

wrote a memo to my Chief of Staff saying, "Hey GREENEVILLE's the ship that's going out on the 9th of February, and quite frankly, you don't need to go I can go myself," he said, because I have a copy--a Xerox copy of it back in my office, or the Operations Officer, CAPT Winney. So, I don't know exactly when CDR Waddle found out my Chief of Staff was going to be onboard. I know that as far, and I know we're going to talk about this later, the DV Program, that people were briefed on the pier and an unbelievably good brief on the ship, and that's just the way I'd expect CDR Waddle's ship to do it, because they're very, very good at it. I don't know if--if the Skipper briefed CAPT Brandhuber specifically on his schedule, it's in his Plan of the Day. I believe him, sir, from talking to my Chief of Staff, that the second time that Scott took the Conn, when he said, "emergency deep," I believe that my Chief of Staff did not know it. And that is a series of events, that as you well know, sir, from all the testimony before, they got to get going. But I would believe that during this ride out on the bridge, whatever, that the Skipper--cause it's a short period of time when briefed--here's what we're going to do--we're looking forward to having these people onboard and so forth. So I believe--they do me--when I get onboard I--I have the same thing written, I'm sure, and I get a book, I know what's out of commission and that sort of thing. It's the same--it's the same words.

Q. Sir, that was my next question, is to help us gauge the actions that CAPT Brandhuber had taken. Have you ever ridden a submarine during a DV operation, and what did you do to monitor safety aspects while embarked?

A. Well, I have ridden some of the DV trips, probably three or four in the last couple of years. I would go onboard, to be very frank with you, just the same as my Chief of Staff did, help out where I can. It's clear to me that the Sailors sail the ships, the Navy, the Nation, and so I have generally walked around and saw what was going on. I've probably gone down to the smoking area once or twice in my life to have a cigar, to be very frank with you. And I knew what the schedule of events was and I would try to help out in the Wardroom if I could, and I've never seen anything go untoward.

For the most part, I rarely see the Skippers when you do that. They're doing their thing because they know the Sailors will sail themselves. I went out on the OHIO with CDR Joe Cereola, we took a group of DV's, the ship came in from patrol, in San Diego, and actually one of the distinguished visitors was Larry King, a dear friend. I really like him, maybe it's because he's a New Yorker, but I think he's a wonderful man. I think I saw

the Skipper about 5 minutes. I think I was with Mr. King about probably 20 minutes at lunch and 10 minutes other than that.

The guys onboard our ships, in my mind, probably do better knowing that there are guests onboard, I know we're going to talk about that later. But my role would be probably the same as CAPT Brandhuber's, an escort. If I saw something egregious, I would probably jump right in. I think, you'll have to talk to him, I think he was most impressed that day with the angles, high-speed--because he told me he was. I think he was impressed with the ship and it's cleanliness. I know he spent time in the Propulsion Plant. That's what I'd expect him to do, walk around, after all, that's what his son-in-law did, but that's what I'd do anyway. Say hi to the guys that can't see the distinguished visitors because they're back aft, tell them you care.

He did go to the Control Room during that time frame of the angles. I think he was most--he told me he was most impressed. That's a pretty good mark of a ship that's well trained if you can do that and level off right on depth and so forth. He heard, you'll have to ask him, proceed to periscope depth. That's one time that Scott took the Conn when he should not have. Say, proceed to periscope depth, you don't have all the stuff in, it's an iterative process, and he didn't know that we were going to use an emergency deep. And you're off to the races then. So, I don't think that he saw anything that was egregious.

Q. Thank you, sir. Did the Chief of Staff debrief you regarding what he observed on 9 February onboard GREENEVILLE, and could you tell us what the debrief basically consisted of and what highlights were when he gave it to you?

A. Yes, sir. I was--I was a little tired that day, obviously, we all were. I had--I had got off the plane from Tokyo, I cut my short--I cut my trip short and came right back here. So, I flew all night and arrived here at 0730 in the morning. I took a quick shower and shaved and got right back into the office, and I had been in communications with a lot of people, certainly ADM Fargo and so forth, I knew I was the Convening Authority at that point before I turned this thing over to CINCPAC Fleet.

As we well know, the ship stayed out over night helping with search and rescue, and I wanted to see the visitors in the morning when they came off the ship. There was a little confusion at first regarding a press conference that ADM Fargo was going to have at Hospital Point, when the ship was coming

back, and taking the DV's off. That shift, I believe, from 0900 to 1000, but as soon as I could get the visitors together, CAPT Brandhuber brought them down to my briefing theater, and I spoke to them. I probably--I'm a pretty sensitive person anyway, but I think on top of that, with just you know, the horror of the event, I looked in their eyes at several ladies and gentlemen, they had been through an awful lot, an awful lot. And, the one thing that they kept asking for during this tragedy they asked two things. Can you keep our--our privacy. I don't know an awful lot about military law and such, but I said, "we'll certainly try our best." And the second thing they said, two of them, a man and woman, when they weren't crying, they said, the ship, they thought was operated very professionally.

So, we gave them cards, we're good at this, you know, with every phone number in the world that they could call if they needed any help and so forth, and we told them that we'd try and respect their privacy. I broke down myself. I really regretted that, I broke down myself, it was just the way it was. And afterwards went up and talked to my Chief of Staff. He was, as you can imagine, he was one of the people looking out the periscope as the ship went down, and that had--that's got to be hard, I mean that's got to be hard when someone sees that devastation. He told me that he went out there for--to see the son-in-law, and he knew he would get some sub pay, I don't know what else. He'd be--he'd be helpful, and that was a Friday, and that was--that's fine, that's a decision he has to make in my absence and that's fine.

He'd told me that the ship had done very well. He told me that he was impressed with the ship. I didn't press him for an awful lot at the time because, first of all, I didn't even know what was going at the point. I mean, I look at this in phases. Phase one was: let's get the reporting done, make sure that everyone knows; right away followed, at the same time, by search and rescue; and then there's the apology phase and we're into the Court of Inquiry phase, but at that point I was into the reporting and making sure we were taking care of these families and so forth. But, I sense that he was impressed with the operations of the ship. I sensed he was also surprised by--at least the emergency deep, I think he was surprised by proceed to periscope depth, but he was standing way in the back, as he tells me, of the Control Room on the right hand side, and he certainly--and I wasn't--I mean--I'm sorry the left hand side, and he didn't know that there were any sonar contacts.

Q. Thank you, sir. Did the Chief of Staff pass on to you any comments related to whether there was some urgency for GREENEVILLE to return to port that he had--did he share any insights on whether or not the ship felt hurried----

A. No, he didn't----

Q. To complete the itinerary?

A. He never stated that, sir. He never stated that. I-- although, you know, I don't know--I don't know what went through CDR Waddle's mind or the Exec's mind. I don't know, but I'll tell you I know from the Chief of Staff that he never felt that there was some urgency. And I will tell you, Admiral, I mean, if I've created an emergency anywhere then I really truly regret that, but I think just the opposite. We don't let people go to sea unless everything is--I'm talking about deployed in particular, until everything is booked up and satisfied and so forth. I'm not talking about the AVSDU, you can work around that piece of equipment in a minute, and I would have done just what the Skipper did that day and I know we'll probably talk about that, but the days I believe in our Navy, that you and I grew up with, that 0800 I can remember throwing a brow over the side if the tugs weren't there. Those days are gone, that's 20 years ago, these Skippers are smarter than that, they know that and if he's delayed, a lot of options, don't do it, don't do it. I've seen it many times when things just get deleted, just don't do it.

Q. Did the Chief of Staff share with you what the next event for the DV's was going to be after they returned to port? In other words, what the next big item for them would be, what time that would take place?

A. No. When they got back into port?

Q. Yes, sir.

A. Not at all, sir, he did not know, I asked him. I mean I've asked many questions, as you can imagine. "Hey, was CDR Waddle going to go out and have a beer with these folks, or whatever?" I asked these questions and the answer was, "No." Certainly my Chief of Staff did not know if there was anything. I can't imagine anything pressing other than there's a mariner pride at being a certain place. But, like, who cares? I talked before about--with--having guests on the OHIO, I think that was last July, we didn't have a lot of time. One of the guests said, "Hey, I'm having a--some type of reception that afternoon." I said, "Hey, not a problem," we just won't do anything. We submerged and surfaced, that's all we did and they did fine.

So, those are--I mean those are decisions that can be made, that have to be made by the Commanding Officer.

Q. Yes, sir. This is the speculation and that's why I want to note that for the court, that I'm asking you to speculate on this particular question related to what you speculate the DV's were doing next after they returned to port?

A. And, sir, I honestly don't know that. I would tell you this, a lot of thoughts would come to me. I mentioned before, most ships that I ride that do visitor embarks, I rarely--you don't see the Skipper get involved with it. You just don't, you don't need to, we sell ourselves, these young Sailors that we have, these young officers are top notch, they're just the bottom line and they do great.

Many years ago I used to be a little concerned, maybe I need to help as a senior rider. I don't need to help, we've got it down to a science, and I think it's across the board in the Navy, our folks do wonderful work. I would venture to say that our folks are much more professional when they have people onboard and that is because they want to show their skills, they want to do it perfectly and so forth. So that's how they do it. I would tell you that I really had some thoughts about this. I don't know if there were any plans, only Scott knows, I don't know if there were any plans that day. When I look at what occurred on this day, I think there were, I use the term--I think there were a lot of things that stacked up. You know, kind of the alignment of the stars and the moon and so forth that made some things unbelievably unbelievable.

I mean the ship with it's anchor problem, the whiteness of the day, the swell without wind swept waves, lots of other things, I guess you could bring out. But I did ask the question, "Hey, do you think that Scott was going to do something with them? Was he rushing himself there?" I have no indication of that. This guy's a charming guy. He'll be my friend forever. When he went on Thursday, this is talking to my folks, to--Thursday's the day before, before the trip to talk to Public Affairs, I think he was excited about taking these people onboard. They were from Texas. I didn't know until a little while ago that Scott was from Texas, I thought he was a Virginia boy for some reason. And I'd like to say that both--it goes both ways, he's a wonderful man. He's a wonderful guy and he treats everybody well. He took some time for the lunch, I would expect him to do that, and if that's what he wants to do then that's his bag, but you don't need to do an emergency blow.

We specifically don't tell our Skippers what to do, so we don't get them in a situation--because I was involved with this in the Atlantic in the early '90s when we were starting to say, "the best trips do this, this and this." If we can pay a man to take his ship in harms way, with four to five hundred contacts a day, in shallow water, which is really hard, then we don't need to tell him how to suck eggs back here in the Hawaiian Op areas. If he was crowded, if he was rushed, don't do an emergency blow, who cares?

Q. Sir, one final question. In your personal opinion, has your Chief of Staff, CAPT Brandhuber's personal reputation or his personal standing been jeopardized, in your view, by his actions onboard GREENEVILLE on 9 February?

A. Yes, sir, let there be no doubt about it. These terrible situations that occur, not only here, you know, I keep in mind that, you know, this is a tragic accident. I've been around a long time, one of the good things about that I guess, is that I've seen many tragic accidents in my life, in the Navy, at the Naval Academy, but this was an accident. This is not like some youngster tragically shooting people in a school. This is not like that group in Japan poisoning people on the subway, this is not like this Japanese guy who rapes and then dismembers a caucasian girl and they find the--this is an accident, but there are only a few of us, quite frankly, who are in the arena on this thing, I'm there. Admirals, I'm sorry you are, my dear friends--I told Mark [pointing to CDR Mark Patton, Technical Advisor to CDR Waddle] the other day, he sent an email, said, "Am I going to get in trouble?" You're doing right. You defend this Skipper until the day you die, you're doing fine. You got half of my staff working on the court and working on the Government side, or working--I don't have anyone left, we're starting to run out of people, we'll do fine.

But the fact of the matter is, will it effect, Bob? You're darn right it will. It's effected him already as far as his life and his family, he's a wonderful guy. It will effect him, because here's what happens, if you're on a ship, and we have to do everything in the Navy we can to make sure it doesn't effect them professionally--if you're on a ship that hasn't done well, when we go through administrative screening, your community as well, Admiral, generally, that man who--in my case "man" because it's all men, whose going to be screened for Exec for Commanding Officer, will probably not get screened because of the reputation of the ship.

I've got to be very cautious with GREENEVILLE. GREENEVILLE's a very good ship, I want to get them rolling. I want to get them up. This ship doesn't need 3 years to recover, not going to happen that way. This is a great ship with great kids. And Bob, sure, I'd be willing to bet, right now, because that's the way human nature is, that there are some people out there who are not even in this arena who are waiting, "When's your Chief of Staff going to go?" That's a human tragedy, but it's just the way life is. It's like some of the people in the press putting out terrible comments that are not true, that are not true, they don't have to live by it, what do they care?

But, we're in the arena, Bob's in the arena. I don't think he had anything to do with this. I have to chuckle because he's such a worry wart about things that if there's anybody who's going to stop anything if they'd seen it, it would be Bob. I don't think that he saw, in his mind, anything egregious. Because of two reasons, he wasn't there at the scene, the Skipper had no reporting responsibility to him, God I wish he did, you haven't heard it until you've heard those crisp sonar contact reports before you go to periscope depth that allow plenty of time and integrate all the knowledge, he didn't even know that there were sonar contacts based where he was standing, sir, but will it effect him, yes. It's effected him personally, psychologically, I think it's affected him, I love him, we'll give him as much support as we can. I yell at him every day, three or four times just to get him rocking and rolling. He's a good man, he's a very loyal man, he's a caring man and he loves his men, but it will effect him.

MBR (RADM Stone): Thank you, Admiral. I have no further questions.

WIT: Yes, sir.

Questions by the President:

Q. We are going to move to the last area. We've had you for a while, but I would like to cover this area before we break for lunch. It deals with the DV program and I think I've heard, in your words, but I am going to allow you, Admiral, to talk for a few minutes if you want to. I am going to cover some of my questions here because you've actually covered a lot of the answers already. I want you to talk a little bit about what you see as a--the Submarine Type Commander in the Western Pacific, your view of the value of DV Programs, and then I want you to talk specifically, because I think you have already implied what these words "broken china." What was the mission of GREENEVILLE? Was it specifically to support a DV embark, and if it was, that's breaking china because it does and that is what we are supposed to do. So how about talking about those two issues right now and then I'll ask some follow-on questions.

A. Sir, can I take the DV Program first as I think you mentioned. I think that this program is extremely important. I think that since we've been an all volunteer military for 25 years it's very, very critical that we, as a military, educate America. Our Secretary of Defense, not only the present one, but the past one, and previous ones, have mentioned this many, many, many times. I think that programs--DV programs, and I'm not talking only on--only rides at sea, but I think those programs truly allow America to connect with her armed services. Whether we like it or not, the fact that only 6 percent of Americans under the age of 60 have served, is critical.

I think that America needs to know that folks like Scott Waddle, Jerry, Mike Coen, and all these wonderful men, they guard the walls at night. I think we need to educate as many people as we possibly can in this country about what we do, what we're about, and I think we do it very, very, well in the Department of Defense. With that all said, I don't think we have an alternative, Admiral. I see my role as twofold in this job as a very senior person in the Navy. Number one, I take this very seriously, we can't ever afford in this country, ever afford, to have some foreign competitor miscalculate. I swear to God that's important. We allowed Japan to miscalculate in World War II. We allowed Russia, and China, and North Korea to miscalculate then. A lot of miscalculations in the Persian Gulf, a lot of miscalculations in Vietnam, we can't, it's number one.

Now, I must admit that I own 26 fast attack submarines out here. Every study we've done--every intellectual based study says that we should have a total of 68 to 72. I got 26 out here and there's 270 other submarines out here, by my count, about 193 of them are not necessarily friends. I take that very seriously as an American and I'm not--I don't look at myself as the old all-bad cartoon guy, you know, not caring about people in alike, that's not me, but that's number one, that's what we do.

Number two, in peacetime, my role is to ensure that we are as safe as we are as we go through our things and I regret this incident from the bottom of my heart. The DV Program is critical. I said before that taking people to sea is important. One of the public affairs guys, some time ago, said to me, and I wish I could remember this because it's important to me, he said if you hear it you forget it. He went to say if you see it and feel it, you'll remember it, but it's only when you experience it, when you're in it, that you know what they do and I tend to believe that. The DV Program for me out here is tiny, it's really tiny. I am talking about the portion of taking guys to sea, it's tiny. The DV--and it is critical, but it is small.

I've got notes here and anybody can have it, but I ask my public affairs folks the other day, tell me what we've done in the last 3 years here. I will tell you that our DV Program in SUBPAC is tiny as far as its impact, but it's critical about understanding what our Sailors are doing on the line to defend our freedom. You get, I think, some good impact. To put in perspective, I wrote some notes. I will give you all this data. I know I gave it to the defense as well because I said anything in my office you can have except for the plaques and that kind of stuff.

I look back in the calendar year 2000, PAC Fleet itself, all of us had 176 embarked for about 8,000 guests. SUBPAC had 51 embarks for 1,354 guests. Pearl Harbor in the year 2000, we had 12 embarks for 215. In 1999, we had 18 embarks for 227 people. It's a tiny impact, but it could be powerful, be powerful. The most successful DV tour we've ever done was the one--and probably the most dangerous, quite frankly, is the one that was done in April 1999 when we took distinguished visitors up under the ice and put them on the HAWKBILL. We had as many civilians in that Control Room. It was important for them to get there. It was really important, I believe. That Control Room is about half the size, as far as I am concerned, on a 637 Sturgeon class submarine. It's kind of interesting to make that long trip from the East Coast to Point Barrow, up under the icecap, dangerous. I was there. You asked me before why I was there. I was the

man to make sure my guys looked good because I knew they were trained well and I wanted to make sure that it went well. It was a powerful DV tour and that's why you do these very important tours. We had some of the folks--we had Dr. John Hamre who was the Deputy Secretary of Defense and his wife came. We had Senator Robb, Secretary of the Navy, our Chief of Naval Operations. We had a lot of people. It was interesting when we submerged. We lost navigation, that's one of those things you don't want to do when you are up close to the North Pole to lose your navigation. I was the senior rider, so I was told--I shared it with a couple of other people. We made our way and got back and were able to surface. The power of these things are unbelievable to us. The power of that one to me was critical because about midnight, right before midnight, I sat down in the crew's mess with Dr. Hamre. He asked me what was on my mind. He made it perfectly clear that I was really upset that his quadrennial defense review in 1997 said 50 submarines were basically owned up to the fact that it wasn't very intellectually gleaned, and that we should do a Joint Chiefs of Staff study with the Department of the Navy and tell us how many submarines we need in peacetime in the year 2015 and 2025. I was upset because two very, very senior flag officers had testified to Congress that the results of that study would be forthcoming in September of 1998. I was upset because I could get fired for that, I think, and I'd expect to. I like responsibility.

He asked me well, here it is April 1999. Where is it? I said, I think people are stonewalling it and he said I'll look into that and he did. In December of that year, he signed a budget decision that said, hey we are going to go ahead and refuel these 688 class submarines rather than throw them away. I knew he probably had to do it for some political view and that is okay. We'll also take a look at converting the four first Tridents to guided missile ships. That is powerful, that is very powerful from a DV visit because what they learn is much more than an inch deep and they take it away and that was a good one.

But where have we made our impact out here? I think it starts from intellectual arguments and lectures. I have lectured just about anybody who would listen to me over the last 3 years. I used to get beat up quite a bit about it, but I am not going to allow some foreign competitor in my life while I'm on active duty even when I retire to miscalculate. I am not going to do that. That's number one, intellectual arguments taken to the public. I've spent a lot of time doing that.

Number two, I believe, and it goes with number one, has been our Skippers, as great spokesmen, and Rickover said, we don't call these submarines fish because fish do not vote, and so we name it after ships. And our ship associations with cities have been wonderful, including GREENEVILLE as we saw a couple of weeks ago. And our folks on the submarines taking those community leaders out, schools and the like have been perfect, I believe, that's all part of the DV.

Speeches as I mentioned, I think, have been phenomenally successful. We've gotten an awful lot of support. Printed matter has been good. We printed some ourselves. We talked to Congress several times. I've got some dear friends on both sides of the aisle who understand that much better than they did before.

Tours; tours are critically important and they don't take too much away from the ship. GREENEVILLE has been a good tour boat. She's a show boat; she did that. We don't pick her because she's a show boat. Scott would invite anybody down there and I think that's wonderful.

For tours, in the calendar year 2000, at Pearl Harbor, we gave 96 tours; San Diego, 233; and at Bangor, 233. We brought 16,000 people on our ships. I'm very proud of that. I'm proud of the young Sailors who gave those tours. Just about everyday I get a letter from somebody that I never even knew existed tell me how wonderful they are, so I think that tours are very, very important for us as well.

At the very, very bottom of the list, I would put the DV tours. And Admirals, as I've told you before, we take the business of distinguished visitor tours very, very seriously. And we do not allow them to occur unless it is part of something that is scheduled.

But we can't close our eyes. His ship was originally scheduled to go to sea at 1400 or 2 o'clock. This was going to be an add-on, and that's how most ships do it because you're not going to put DVs onboard at 2 o'clock. And that had started obviously with the plan that the ship was going to be out over the weekend. I've told you, if I had been here, a couple days before and been part of this decision making, I would have said no.

But, please don't take that as me throwing some blame off. I am perfectly satisfied, in fact, I think it was a great decision that the Submarine Force Pacific made in my absence. Just like the decision that was made last Friday by our wonderful Sailors and officers up in Bangor, to bring this ship in, in the afternoon after a very successful nuclear weapons inspection, so they could see their wives, that makes all the sense in the world. And then, they went out the next day because that was planned for the 90 people of so.

So, I think that we need to continue these. I've said before that the business of civilians being onboard has nothing to do with this. The business of positions, I don't believe that it has anything to do with it. Some ships do it, some ships don't. I hope when this is all over that we'll continue a DV Program because we need, all of us senior people, have an unbelievable obligation to make sure the American people know what the military does. But more importantly, to make sure that somebody doesn't miscalculate and I fear that.

And further, you know, for the people, I know this is being televised somewhere, this is not getting punched in the nose back in the continental U.S., but I worry about that day when it comes, and I think it will come unless we're careful that we get punched overseas and we can't respond and American esteem goes down the tubes. And worse, that we get some of our young wonderful people or their successors killed. We can't give up this program.

Q. Admiral, I take it from your comments, RADM Griffiths characterized the mission for GREENEVILLE as specifically to support the DV embark. And I take it from your remarks, that you saw it the same way and you would not have supported it if that was the sole reason for getting underway.

A. No. Thanks for going back on that. I don't see it that way at all. First of all, I see it as a planned evolution that was part of an evolution of training that was to take place over a weekend. Somewhere between CDR Waddle and his Squadron Commander, CAPT Rich Snead, the decision was made, I think, for all good reasons to go ahead and to delete for good reason the exercise that weekend. There's no one in better shape, who knows the situation onboard a ship as far as training than the Commanding Officer.

When that ship went out, that wasn't a joy ride. I detest those words. When that ship goes out, it's training. The reactor start-up is training. The young people in two sections onboard

are training. The ability to navigate out is training. The ability to go ahead and submerge the ship and do angles, and to surface the ship and to come inport is training. The ability to allow our young Sailors to go out there and showoff, and I say that in a very, very critical manner; showoff how good they are.

There are few Americans, few Americans that do what those kids will do. Six months of the year, deploy, not even with their families. To be able to get that feedback that says, young man, you're good. You're part of what America's all about. And after all, those ships, that's America's best, so that was training. It was great training. I think the best training. Something happened in the last 8 minutes of the training that we need to get to the bottom of. And Admiral, I know you will. I've given some thoughts already on that, but that was not a joy ride.

Q. But isn't that a little bit like putting the cart before the horse? That is, you get underway for a DV embark or you get underway for training. And it seems to me that much of what we've heard is it sounds like this ship got underway specifically to support the DV embark, and there was a training associated with the opportunity of getting underway that you've described?

A. I look at it differently. Obviously, it's a matter of viewpoint. I look at it this way, and I wasn't in on the decision, that's what I told you. I feel--I feel very strongly about my Sailor's work times. I feel very strongly about it. I've done more, I believe, personally in the last couple of years to bring this--they call it SSN, you know, it's Saturdays, Sundays, and nights; to bring that down into some humanity or it's not lost on me with our Navy the way it's going.

And I love our Navy and unless we continue to push with a 30 percent first term retention and about a 40 percent overall attrition, you're not going to have a Navy as we know it in 12 years. So, I feel very strongly about that, but with that said, I really believe the ship was going out to train. They were looking to train. And all of a sudden, some portions of that, specifically the nuclear propulsion training were deleted. And she kept going to train and there were people who were onboard; they were scheduled to be onboard. And this man, who can say by our own instructions, no, said ride on. And that's how I see it. You can look at it either way.

Because you see the problem is, Admiral, if you start looking at it that way, well I'll tell you; then last week in Bangor, Washington, we violated something real bad. We violated, then, what I call the rule of common sense. I want my men to see their families and that's why I was glad they came in on Thursday and out on Friday.

Q. The insightfulness of sometimes the instructions, we have, and there's a SECNAV instruction, there's an OPNAV instruction that talks specifically about DV embarks, and I believe, having read that instruction very carefully, that sometimes it isn't insightful enough to characterize all the different types of embarks you have. One of the things I've come to be aware of in this study of this incident is how difficult it is for a submarine to conduct an embark that doesn't look like it's there specifically for the embark. Why? Because you have to specifically embark the visitors. You have to take them out for a certain amount of time and bring them back.

So I don't think--I mean this is something that I think that we're going to bring to some conclusion that I think there ought to be some clarification on this one here because I've heard your reasons. And I think there are very clear reasons about why you should embark visitors, and the way you should embark them, and the value of training that is associated with an embark. Now, let me move to another area that does seem to provide some conflict. You talk about feeling strong about something, and I think we feel strong--very strongly about the role both of us as Type Commanders--about the role of our Commanding Officers, if they're good enough to fly over the skies of southern Iraq, or if they're good enough to be in the Straits of Hormuz, or they're good enough to be in the Sea of Japan, then they are certainly good enough to make their own decisions about what brings value in terms of how they show their crew and how they demonstrate their crew during a DV embark. I want to ask you a couple of questions that I think are tough ones.

What value is it then--in my understanding of this event, the requirement to do an emergency blow for a submarine, I believe, is a once a year requirement based on maintenance requirements? The demonstration that valves align properly, ballast tanks, etcetera, etcetera, all perform the way they should and to validate that, that's only required once a year. So, should we look harder at some of the maneuvers maybe we shouldn't be doing. Is it smart to put 16 DV's in the crew and regularly do an emergency blow when it is basically a casualty maneuver the

way it has been described over and over again as a casualty or an emergency maneuver? Is it wise to repeat that type of event particularly when the fact that, the way it's been characterized in testimony, it's irretrievable?

A. Yes, sir. In answering your question, somebody told me one time many years ago, that embarking on a submarine for a visitor tour is very similar to watching the grass grow. And so it's clear to me, which means it's slow, you know it is a team endeavor. So, clearly the highlights of those types of efforts are really number one to people. They show themselves so well across the board on the ship, that is number one and that's the thing that I've always addressed more than anything else.

Number two is when you take a look at what can be a little bit more dynamic like the comment before that, if you hear it you forget it, you know, if you see it, you may remember it, but until you get your hands around it, you don't understand it. And so it's clear to me that high-speed angles and so forth are a wonderful way to take all of the knowledge and impart it and I think that an emergency blow goes that way. But what scares me is an emergency blow--what scares me is that the emergency blow, in my mind, as tragic an accident as this is has very, very little to do--if in fact the Skipper takes the Conn, if he does that once or twice and takes all the effort himself, and if he hasn't ensured that the area is free--I don't care if you're just doing periscope depth operations, you're going to run a periscope through somebody.

So, I believe that the emergency blow business is a bit of a red herring. If the air is free, go ahead and do it. Now why do they do it more? I looked at the figures because I don't tell anybody to do an emergency blow. In fact, the couple of ships that I've been on have not done one. Lots of times because of shallow water, density of contacts, or we just didn't have time. Who cares? You know, that sort of thing.

In the old days on--and I say the old days, 20 years ago one of the reasons we did not like doing it was that the valve seats--this is 4,500 pound air that is getting jammed in there for safety, the seats would break and it would make more work for my people and I didn't like to do that so I would minimize it. I did find that when I would take a look at the number of times that it's been, and I think it was 17 last year overall in the Pacific Forces for visitor rides and that's fine, that's just part of the boat. Again sir, I think that we have to be careful in thinking an emergency blow did it. The emergency blow was not the cause of the factor. The cause of the factor was, we

went to periscope depth without having all the damn inputs and then up until we said emergency deep, and then did an emergency blow. There are the three. You could do 20 emergency blows in a day.

Q. Admiral, one of the things that we have been charged to do as a Court of Inquiry, is to look at recommendations, specifically, look at the Distinguished Visitor Embarkation Program. So I'll ask the question again. Because it seems to me like you--the characterization of maneuver is either an emergency or a casualty maneuver. Does that seem like a, except for specific instances, does that seem like a thing that you rarely want your Commanding Officers to do with DV's onboard?

A. Sir, I would answer that question by saying that is certainly within the purview of a good trained Commanding Officer and the more times I can see it done for my crew, I believe the more comfortable they will feel in taking their ships to sea. So, from that aspect, I think it is up to the Commanding Officer to making sure the area is clear and he can do it whether there are DV's onboard or not because the crew is the one that learns.

Q. I won't ask you to characterize how much you think you learn on an emergency blow, but I do think what you will see is that this court will look very hard at--in particular asking for a review by submarine Type Commanders and the Submarine Force as to what is an appropriate maneuver to do with distinguished visitors onboard? I think we've been asked to do that. It's good to hear what your comments are.

A. And sir, please don't--I know you know, but I don't want anyone to take anything that I say at anything less than complete seriousness. But the fact of the matter is, that evolution will always come after ensuring that the water surface is free. And I've done it many times in my life, tragically on this day, the water surface was not free of contacts.

Q. Are there specific guidance's in the force towards exposing the DV's to classified capabilities of the submarine, particularly our tack or our SSBN force in terms of speed or depth that can be demonstrated? Are you aware of any limitations?

A. That is a very interesting question and I think it's a good question. I will tell you that it would be naive to think that people in the know don't learn classified information when they ride a submarine. I want to tell you--and I think that is the risk versus gain that you take. When we take them there, obviously on a submarine no one goes back to see the Propulsion

Plant, and we make every effort to ensure certain areas that we know are classified are not shown and they are written down. By the same token, truly if you know what you are looking at, you could gleam some information. It would be very easy I--brought the thought when we initially took some wonderful Japanese folks out in our submarine in Sagami Bay. I saw more people than not looking very, very closely at pieces of equipment. Were these wonderful guests, these civilian guests, doing something illegal or getting classified information, no. It is clear to me that if you work for Kawasaki heavy industries or whatever, you are interested. It is just clear to me, so I think we would be wrong to go down the approach and saying that he shouldn't go to a depth because that is the limit, or go to a speed because that's the limit and so forth, sir. Certain things will be gleamed.

Q. Yes, but you would expect your Commodores in the squadron and your Commanding Officers to be aware of these limits.

A. Yes, sir. I agree with that.

Q. In your instructions there is a SUBPAC PAO guidance. What type of feedback mechanism resides? Does your Public Affairs Officer do reviews with the squadron Commodores or assigned squadron PAO's, and I assume there are collateral duties for Public Affairs Officers. Can you tell me about any feedback or examples of feedback that your force staff has compiled and put back out to the force in terms of conducting DV embarks?

A. Yes, sir. I will start off by saying that I feel very, very fortunate to have a very, very top-level public affairs staff. I have looked at all the instructions regarding DV visits and the like and I really believe that from day one scheduling, taking a look at waivers and--medical waivers, briefings and the like that everything was done very, very well.

Each week my Public Affairs Officer puts out a public affairs event schedule of things that we've done and so forth and lessons learned in the like. That data--we do not--I only have one Public Affairs Officer here, one Bangor, Washington and one in San Diego. That data is fed back to everyone of my Squadron Commanders. It is fed back, of course, to OPNAV, to CHINFO as well, to the Fleet and so forth.

Q. Are there any samples of modifications, you know the CO had a particularly good idea about how to do one that was shared?

A. I would tell you that probably not recently, this has been one of these eight year programs when we decided, and I say we as a submarine force that we really, really need to show the

American public what we are all about or we won't get the recruits. We won't get the force levels to the right level and so forth. We look very, very hard at what works and what works and it has been a rather pass down the line thing on DV embarks. I think they have gotten better, and better, and better. Really when you get down to it at the end of a period at sea, about all you can really do on a submarine, and we're lucky here because you can submerge pretty quickly, is take the distinguished visitors out, submerge the ship, get them lunch, do angles, high-speed maneuvers and surface the ship.

So there is not much maneuvering room. We feared early in the 90's of--I almost was like one of these things were it can become a situation where, it's one upmanship. If this ship can show this mission area or this one will show two, or three, or four and we don't do that because, first of all, I think it is inappropriate? That is why we pay these Skippers. That's why we train them for so many years. I think, more importantly, it might put I call it put some pressure on them too get through some schedule.

Q. I want to talk to you specifically about--maybe three or four questions on DV impact and then I think we're going to recess for our lunch break.

A. Yes, sir.

Q. I think we--somewhere in the testimony we heard the average number of DV's on an SSN--an SSN Control Room is different in size than I assume an SSBN Control Room.

A. Yes, sir.

Q. I think we heard the average number of your DV's was around 15, and there were 16 per GREENEVILLE's embark. Those--when we visited GREENEVILLE's Control Room, specifically, to get a brief from RADM Griffiths on displays, etc., one of the things that we did artificially down there was we introduced a number of visitors, the court, and the watch that was on--not the actual watch--the individuals that were on watch, but the watches were there so simulate the crowding in the Control Room, if crowding is a good word. I certainly felt it was crowded. There were a lot of people there. That has an impact in itself whether it's the ability to read the display or the ability to maneuver or--we also heard testimony about the ability of individual watches to get around to speak or to plot something. So how do you pick a number? Has that ever been modified or how do you balance this impact where it becomes maybe an impact that you don't want versus the ability to get the right number of DV's on to your boats?

A. Sir, you are 100 percent right as far as the average number of tour--of folks that come on for a DV tour. I am talking about in the early 90's we looked in the Atlantic when I was the chief of staff there. That numbers--it became perfectly clear that it depends on what you are going to do and how many different tours. The submarine is crowded everywhere. I mean you put more than three people into that galley and you're crowded. You can only have so many people using the heads and so forth. And what I have seen, because I get a report each week on how many visitors go onboard or how many dependents for dependent's cruises and so forth, and you really kind of come on up with the fact that the ships are pretty good at this. The Commanding Officers are pretty good. If he has 30 people onboard, he knows how many people he can fit into that Control Room and we pay him for that.

I have seen it where ships have said, now you sit down in the Crew's mess and watch this on the screen. It works out very, very well. So I would tell you we could come on up with a number and we almost did in the early 90's. I think we came up with a number that once said 35 on an SSN, and I think we said 55, but it became pretty clear that the people who were running our ships, and they're pretty good, are the Commanding Officers. If I hear one, and my staff does that. It seems a little bit out of whack, they will say why are you doing this. I feel pretty comfortable. The business of--did these visitors distract--I feel from my own experience that our people, that I think it's natural, they want to show how good they really are that, in fact, things become unbelievably professional, not that they're not in a normal day. I can't escape the fact that, hey

if you have a body in the way you may have to push that body out of the way, but that is done all of the time, it's done all of the time. I mentioned HAWKBILL surfacing through the ice. You know Mr. Secretary, would you please move out of the way?

Q. Admiral, I have a quick follow through. In your earlier testimony, you made it very clear, I thought, but I want to make sure that I've got this right, that your expectations are that the team, whether it's the Captain, the OOD, or the XO, even though they have DV's there and we'll basically ensure or insist or push to make sure that they are supported--the team is supported to do what it needs to get done.

A. Sir, I feel very strongly that this is submarining, like all the dangerous things that we do in the military. Submarines are my life. It is an unbelievably strict team endeavor and I feel very strongly about that. I have read--as I said, these DV tours--we got them under some trying circumstances. The HAWKBILL at the North Pole was certainly one. We have done them in dangerous environments. You could freeze up there very, very soon, that sort of thing if something went wrong if you're in the polar areas. They are always done with utmost care and caution. I have seen when people get in the way. Please move over the way, sir. Would you mind? When that order goes out, prepare to go to periscope depth, I know what I've seen in 35 years. I know what I expect. I know when I get that report you know. Dive ready, Sonar ready. I know that those contact reports have been made and I know when we go to periscope depth, we stay up there and look around. We can go back and forth on what's the right depth, and the low depth, and all this kind of stuff, but we have an absolute obligation to make sure the area is free. It's a team and a team integrates itself. It starts to go. It's a timing type thing and if you upset that team, then either someone has to say stop or you better be good. As a Commanding Officer you better be real good and you better have a good sense for these things.

Q. You've already said it, but I think you might want to repeat it, but when we had testimony of actually three civilians as I recall operating at a particular station. One on the Planesman, one at the--it's described as chicken switches or a ballast for the emergency blow, and one on the KLAXON. We've also heard from RADM Griffiths that these--in his review of the Preliminary Investigation that these individuals were closely supervised. I would like your characterization of these individuals having any potential to influence the way a particular maneuver is carried out so that they would affect what would happen to the ship.

A. Yes, sir. Sir, to answer that question, I go back to a statement that I've made several times. This submarine has the absolute responsibility to make sure that the area above it is free of any contacts and putting the person on the planes right before this event called an emergency blow to finish the surfacing, or on the emergency air actuator for emergency blow, or hitting the KLAXON, which gives the surfacing alarm, has nothing but nothing to do with that evolution. The problems were created by the ship failing to understand that there was a contact or contacts in the vicinity, that is why I did not mean to be glib or anything before when I talked to you about emergency blow. If the ship can safely do it without breaking valves, or without breaking the high-pressure air compressors that have to be utilized an awful lot after they use 4,500 pounds of air, the quite frankly they can do it as many times as they would like. That ship was up there, the ship was up there at periscope depth. That's when we had an obligation to make sure that area was free before we went on to that event.

Q. Our last question before we break. We heard a lot of testimony this past week about how things seemed to be rushed. Rushed in the sense of TMA legs, rushed in the--we had an example. Not that this was unusual, but we had an example of the--when the submarine is at periscope depth they actually had a negative pitch on the ship and that seemed to imply to me that the ship didn't do what it would normally do in terms of setting the right buoyancy before it went to periscope depth because it seemed to imply that things weren't--the ship wasn't quite as trimmed--I guess that's the right word, as it ought to be when it was at periscope depth and we've heard lots of things like that, that time to develop displays, proper--the information was there but it wasn't there long enough for anyone to come to some conclusion and therefore make a report. Is a potential impact of having the DV's onboard--does it lead to any tendency by a Commanding Officer to show off? To create his own sense of artificial urgency. To--let's go because I want to show you everything. Do you arrive--have you arrived to any kind of conclusions as to the conduct of this Commanding Officer versus the impact of those DV's?

A. Admiral, I've thought about this--I mean I have thought about this for the last month and I've kind of come up with the conclusion that I can't have it both ways. I can't tell you or myself, and I think that's what is really critical, that this was a well-trained and well-operated ship with a lot of good things going for it then at the last minute say that this Skipper was being too cavalier as he operated the ship. I don't know that, but I have a hard time and I would never vilify CDR

Scott Waddle because I love the guy. I think he is a wonderful man, but as you go through things, I really, really believe that there are a lot of things that although they may have some significance, I think they are relatively little, I think the civilians onboard and all of that action is only an answer that the Commanding Officer or other folks can make, but I think they had nothing to do with this from my view, or they should not have.

We've done literally thousands of these and nobody has ever made that report, no one and we ask. I mentioned before the joy ride business. I take that on. I think that's a joke. I think that's wrong. The AVSDU, the piece of sonar repeater--this is a red herring as well because things go out of commission, but we know how, when we're going to sea, we all know how to backup. I've asked myself, sir, the Skipper had written this long document. Here is how it will operate, 6 hours? You wouldn't have caught me doing that. I may have said, "Hey, Weapons Officer, write me a hand scribbled note." Or better yet, maybe that is what they did. I know that this Commanding Officer went into Sonar. I know that the Executive Officer--and I'll buy that because there are lots of ways to get around it.

The CEP, I'm probably one of the people back in the earliest days who said it's important because it's a wonderful piece of--but it's important for certain things. It's a wonderful document to have at the end of a long surveillance mission so you can see, here is what my history was, but in a very low density contact situation I don't give it an awful lot of credibility. Should it be manned, yes, he said, it should be manned. One third of the crew gone, hey they were training. What a great move. We need to do that. I think that's important.

Now we've already talked think about the business of training and so forth. When I got back, because it keeps hitting me, and I think it's the question that we all have to answer at the end of the day, is back to RADM Stone's comments about risk management. I believe that CDR Waddle specifically took the Conn when he said proceed to periscope depth. That stops that configuration. That stops the team. Okay, maybe he knows more than me. I don't know what is on the team's mind because I haven't operated with this team. But that takes the Conn. I think that it was also an improper backup. All we talk about--I mean we talk forceful everyday. It comes up in my conversations with Skippers and with young people every day. I also feel that the business of saying emergency deep takes things out of one's

control. You're not going to get anybody saying when the word is said, no, stop now! No, it is not going to happen. Those are two times that the Conn was taken. What did that do; it made the time involved much shorter than--again teamwork. These are good people who love their Commanding Officer, I believe who would be standing up to help, and to help, and to help. That is the issue, sir.

Why did he say proceed to periscope depth? What was lacking in his head? What did he not know, and if he knew he had three contacts why didn't he broach up, go shallow, see a lot because it was a bad visibility day as far as a little periscope is concerned because it was rather white from what I was told. Why didn't he just say, it's everywhere. Show me this contact. Show me that contact and show me this contact. Time and not being rushed after lunch and all that stuff. Time you say. Time was not provided to allow, I believe, this iterative process that allows these other things to come to the fore. I have been there. I told one of CDR Waddle's lawyers one day that I remember--it's a different situation.

Myself, 6 months into command, ready to do an under hull photography against an American submarine for training and everything was about right. We had a good track on the ship, and I wanted to take one more look at periscope depth before I went underneath it, so I thought that the picture I would see--I had the Conn and it was clear that I had the Conn. Everything that I saw down here before I came up for one more look looked good and I said proceed to periscope depth because I had the Conn. In the meantime, my contact had turned to the left because they got to an area boundary. When I looked out that periscope, I was very fearful because I did not see the stern of the submarine that I thought I would see. I saw the Officer of the Deck and the Commanding Officer on the bridge send emergency deep and we were very fortunate. We were very fortunate that we had no collision. Of course, initially, what I did--I was so angry at this lack of backup, I grabbed my exec and two department heads that I had up there at the time--the party--you could probably imagine 30 people in the Control Room to do this. I was very upset. I said, why didn't you back me up? And they--they took it.

Obviously, that's how you do it after a Skipper--I expect that if this tragedy hadn't occurred that Scott would have done the same thing probably with his team, I don't know that. Then finally my exec was a strong man and came in and said, you know, Skipper the problem even though you had the Conn and the like

was that you sounded like you knew exactly what was going on. The bearing rate is changing and everything is changing and I realized before my first deployment on that ship and I have preached this for a long, long time that you need to let the team catch up and make sure that all of those things that they can provide you are given.

By the same token, there are events in life, and we've all been there too, us mariners, that you've got to take charge. If I hadn't taken charge of the GRAYLING when the anchor chain broke in Tanglers Harbor, that ship would have been on the beach like a whale and it would have killed some people. So it goes both ways but when you take the Conn and don't provide enough time, you better be right.

PRES: Admiral, I think what we'll do is now recess the court and reconvene at 1315.

The court recessed at 1115 hours, 12 March 2001.

The court opened at 1318 hours, 12 March 2001.

PRES: This court is now in session. Counsel for the Court?

CC: Let the record reflect that the members, the parties, and counsel are again present. Legalman First Class Leather is absent as court reporter. We have two new court reporters, Petty Officer First Class Gardner and Legalman Senior Chief Sayers. I'd ask that they stand and face me to be sworn.

The appointed reporters, Legalman Second Class Gerald A. Gardner, U.S. Navy, and Legalman Senior Chief (Surface Warfare) Donna L. Sayers, U.S. Navy, were sworn by the Counsel for the Court.

CC: Sir, we have one exhibit to introduce. This is the message from COMSUBPAC designating CAPT Robert Brandhuber, Chief of Staff, as Acting SUBPAC as of 1 February 2001. I'd like to have this marked as the next Court Exhibit in order, copies distributed to the parties, please--evidentiary exhibit.

CR: Exhibit 46.

CC: Exhibit 46, thank you.

[LCDR Harrison distributed Exhibit 46 to parties.]

CC: Mr. President, that's all the procedural matters we have.

PRES: Procedural matters from Counsel for the Parties?

Counsel for CDR Waddle, party (Mr. Gittins): No, sir.

Counsel for LCDR Pfeifer, party (LCDR Stone): No, sir.

Counsel for LTJG Coen, party (LCDR Filbert): No, sir.

PRES: Would you recall RADM Konetzni?

CC: The court calls RADM Konetzni back to the stand. RADM Konetzni, I would just remind you, sir, that you're still under oath.

[The witness resumed seat in witness box.]

WIT: Yes, sir.

CC: Thank you.

PRES: Admiral, I believe the members will just have a few more direct questions for you, and then we'll move into cross-examination of the parties.

WIT: Yes, sir.

PRES: RADM Sullivan?

EXAMINATION BY THE COURT

Questions by a court member (RADM Sullivan):

Q. Just a couple of quick follow-ups on what we--you discussed this morning. You mentioned that one of your previous rides last spring on USS GREENEVILLE--that a couple of your take-aways, or at least thoughts--that you talked of the ship was how formal the crew was, how they operated their ship, but the CO tended to be--or you termed it the informality of the CO. Could you--could you shed some light on what type of things led you to come to that conclusion?

A. It was really--I will tell you that--a lot of people in our community would probably say I can tell by putting my first step onboard. I don't think life is that easy. But, there are things that tell you about a good ship. As I mentioned, I thought the ship was very clean. I thought the stowage on the

submarine, which is critical, was good. I thought the crew looked good. They operated well. You could tell that there was pride in everything they did. I noticed, what we would do in the military jargon, that the Executive Officer's footprints were all over the ship, in that a meeting would start on time, an evolution would start on time. So, I felt very comfortable. And, I--I always like to be just as frank as I possibly can.

I--on that trip, and I really need to make sure that I try to couch this properly. I saw the CO walk into the Control Room one time, and he's a large, gregarious, handsome kind of guy. And, it was kind of like, here I am, I'm in charge. I noticed that, and quite frankly, it mirrored in many ways who I am. And, I said be careful when I left. I sat in the Stateroom with Scott. I didn't write it down because I didn't have any issues. I said be careful of the informality. There's only two places in the submarine where--that I call the temples. One is the Control Room and you should always be able to hear a pin drop. Yes, you can have guests and this and that, but you can hear a pin drop. Formality of the feedbacks are critical. The other place is the maneuvering area, back in the Propulsion Plant. And, I saw those, but there was one occasion I saw the Skipper go in, and to me, he was the one who was being informal, that one occasion. I brought it up to him. I also told him that, perhaps reflecting back on my own history, that you got to let them do it. You need to strive to let them do it.

First of all, it's the only way the submarine can operate. Secondly, if you don't, you may not have the backup you need in a critical situation. Those were the two comments, Admiral, I don't want to go ahead and overstate those, because I wanted this guy to be a Flag Officer. I like him very much.

Q. A number of times during your testimony, you mentioned that as the ship proceeded to periscope depth or departed to go periscope depth, the Commanding Officer had the Conn. I--where did you get that sense from? I realize you obviously were not there, and it's secondhand hearsay.

A. Oh, you would like it perfect. I guess we all would like it. You know, I can remember at times, once or twice in my career, where the Skipper would say, "Come left to two-four-zero." The Officer the Deck would say, "Captain, you have the Conn." That's perfect, but things aren't as simple sometimes as that. And, when the Skipper said, "Proceed to periscope depth," it changed depth. That gives him the Conn, in my mind--in my mind. Whether it be course, or speed, or the submarine depth, he took it. Now, is that the right formality? I guess

one would love to have it. Like the Officer of the Deck, you'd love him to say, "Captain, you have the Conn." And, on this day, it would have been perfect. I haven't seen many junior officers that would've understood that as clearly, as maybe a department head or whatever, but he took the Conn. Proceed to periscope depth. The second one, when you say "emergency deep" and you're the Skipper, in my mind, although it's rather an informal thing in the Conn, you have set in motion a series of events, that basically establishes that you have the Conn. And, my concern with those two events, just those two events, is that it takes away that backup, that ability to take some time and ask oneself, as a member of the team, what should I be providing. I--I know I probably overstated it, but no one understands this but--but us, in these white uniforms. And, it makes no difference what country. The responsibility of command is ultimate, it is ult--it's the only thing that's kept our Navy on a straight breeze, although we drifted off a couple times. It's ultimate, and it's that important. And, if you go ahead and take too much at once, without divvying it out in this team endeavor, it becomes dangerous.

Q. Can I get you to refocus. Let's go to the 9th of February, inside the hull of the GREEN--GREENEVILLE.

A. Yes, sir.

Q. We spent a number of hours with you this morning talking about the events, and certainly you read the Preliminary Investigation, and your discussions with your staff, and so forth, could you, narrow us in on what you think, in your opinion, what went on, the decisions made that led to the collision?

A. Yes, sir. I--you know, I don't know everything. I did read the Preliminary Inquiry and turned it over to ADM Fargo. Through CAPT Tom Kyle, we did an awful lot of the Yeoman's labor in the National Transportation Safety Board, so I certainly know all of that. And, we also--I was the one who told our guys to come up with this videotape that might show people that we're not looking at a huge ship through this hole, or through this periscope. I will tell you that I believe on that day that a lot of things occurred by fate, and I don't make any of those as an excuse. I think it was a white day that we don't normally have here. By "white," I mean difficult to see where this sky comes down and where the sea starts, if you're looking at sea.

We normally have these beautiful blue days here. And, obviously there was some other things. The MARU came out. She was a little bit delayed. And, when she came out, she was in that

place of water--it was a place in the ocean where nobody ever is. The AVSDU was out of commission, probably a little bit of bad luck, but none of these things are things that are problematic. The other side is how you operate the ship. In my mind, there is about an 8-minute period of time, when I called them and I talked to CDR Waddle's lawyers about this--the lawyer, I call them the fateful decision points. And, one of them is what you just asked me, Admiral, and that is, the business of taking the Conn. Prior to going to periscope depth, and it's never a routine evolution. We do target motion analysis to determine where the contacts are, their range, their bearing, direction of their own motion relative to ship. The ship did that.

Now, all of us probably have different interpretations as to how good or bad or were they the right courses picked. The computer was pretty responsive when the ship did that. But, when the Skipper said--I believe, and I don't know, because--I don't know what he said. I'd like to hear it from him. When he said, "Proceed to periscope depth," I don't know if it was the right time. I don't know if he gave enough time. My honest opinion is, when you say that, you negate those words that I've heard on every submarine, all of my life, unless there's a tactical situation that deems otherwise; a fire onboard, perhaps, or flooding, and that would be from the Officer of the Deck, "Captain, I have three contacts. Sierra 1 bears 350, range 10,000 yards." Sierra 2, and it goes on. And, all that time there's an open mike in Sonar and that team is being integrated, and that comes to bear. And, you go through words like, "dive ready," and "Sonar ready," and "ESM ready." You do this switch adjustments when you raise that scope at 150 or 120 feet, or where ever you might be, but you make sure that the settings right, or that this microwave receiver, this radar hearer or listening device is on.

And, meanwhile, things are catching up. But, when you say proceed to periscope depth, and may be appropriate. But, it wasn't in this case. You have deleted the integration process and it results in what I call inappropriate, improper, inadequate backup; the thing that we train on. Because, every youngster on a submarine is as important as you are. Everyone, they're trained up, they work. The second thing, as you go to periscope depth, I feel very strongly this--that once you get to periscope depth, assuming you got there safely, and the ship did, but once you get there, you have an obligation to make sure there are no contacts. No visual contacts. You should be greedy to get that. This is not a tactical situation, where

you're trying to keep the height of own eye down so you're not counter-detected by somebody who could do harm to you. This was, after all, Hawaiian waters. But, that fateful error was, was after a short period time, saying "emergency deep," because it sets in motion some events that you can't recover from.

Now, I have been asked regarding those two fateful events, and they all have to do with time and the integration of the team. I have been asked by the defense, and I'll tell you, when asked the question, is what Scott Waddle did reasonable, I say I can't--I can't say it was reasonable. I just can't. By the same token, was it unreasonable? And, that's a very difficult question, because after all, the ship cleared baffles; that's what they're to do. They went to periscope depth. They looked around through an eyepiece, and then they said emergency deep and the rest was on. So, although I would say no, this is not reasonable, it's certainly not unreasonable. And, Admirals, I'm not trying to mince words, the backup on this situation was time, and we told time to go away. I don't think it was because we were rushed to go see people, or to get through the buoy called "Papa Hotel", position. I don't think it had anything to do with that, but for an 8-minute period--and I don't know the answer why, things did not go the way they have to go to make the team successful.

Q. My final question for you, sir.

A. Yes, sir.

Q. Your knowledge of the GREENEVILLE crew, was what happened on that fateful afternoon of the 9th of February, was this something out of the normal? Was it something that you wouldn't have expected, based on the performance that you would expect from this crew? Was it an aberration?

A. It was an aberration, sir, I--I would tell you it's hard for me to give you a rank order of my fast attack submarines. And, it would be unfair, at this point, because the GREENEVILLE has not yet--had not yet deployed under CDR Scott Waddle, and that would give you a fuller picture, but she was tasked with many, many things, many difficult operations and evolutions. And, I would put her certainly high on the list of my operating ships. When it happened, I had a hard time with it initially. Primarily, because of what I knew, I think from day one, that we were going to have a loss of life. But, very, very soon behind that was--because I think an awful lot of the Skipper, Exec, Mike Coen, and certainly that crew. And, that's rather strange. I don't know everyone of my ships. There's a whole bunch of them, and they're in different ports. But, these folks have

done it very, very well. It's a terrible accident. Terrible accident, but I know we'll get to the truth, and maybe that is really most important for the victims, and for GREENEVILLE, and for all of us.

MBR (RADM SULLIVAN): Thank you, sir.

PRES: Admiral, thank you very much. We're going to go to cross-examination.

WIT: Yes, sir.

PRES: Counsel, any comments?

CC: No, sir.

PRES: Counsel for CDR Waddle?

Counsel for CDR Waddle, party (LCDR Young): Thank you, sir. Good afternoon, Admiral.

WIT: Good afternoon, Kimberlie Young.

CROSS-EXAMINATION

Questions by counsel for CDR Waddle, party (LCDR Young):

Q. Sir, you stated that when the Preliminary Inquiry was first conducted, that you were concerned that there was only 3 days to do this investigation. Is that right, sir?

A. No, RADM Griffiths mentioned that to me. I knew the rules. I knew we actually had an extra day, because CINCPAC Fleet went on travel. But, I--I don't--I wasn't concerned about that. Clearly, you'd like to get more data, but I really felt that--I really felt that I could have, if thought it would be appropriate, but I didn't, but I could have used that Preliminary Inquiry as a command investigation. Would I have liked more time? Yeah. Would I have liked everybody to answer up? But, I knew, legally, there was no reason for them to. But, I felt pretty comfortable. I did know there would be more. I think there will be during this Court of Inquiry some more things that will come to pass. But, that's what the book said, and I felt--I felt okay with that. I really did.

Q. Alright, sir, but you agree that you recommended a board of inquiry because you wanted there to be further investigation in order to develop all the issues surrounding the collision.

A. Yeah, that's exactly right. I will tell you this, one of the things about me and my community, we read the book. I guess that's easy for me to say now after this terrible tragedy. We read the book. When I arrived here on Saturday, after I spoke to the civilian riders, and I went down to GREENEVILLE, and I got back in my office, I asked my own lawyers, give me the book. And, I knew immediately, right then and there, this terrible tragedy fell under the rules that said either a board or a Court of Inquiry, going back and forth. In my own endorsement I said a board. I was concerned, to be very frank with you, that we could stretch out this very, very meaningful and very, very important inquiry forever, with subpoena power. And, I knew in my heart, at least I felt I knew, I'm not a lawyer, that anybody we needed--who the government or the defense needed to testify, would come. I knew that that was the right way to go, because the book says loss of life at high cost. I knew it from the day I was informed in Tokyo that this was the way to go. What I didn't know was we hadn't done very many of these sorts of hearings in the Navy. I did not know that until afterwards.

Q. Alright, sir. You stated that you thought that this Court of Inquiry would result in unbelievably fair treatment for all the parties?

A. I still feel that way.

Q. And, do you agree that this Court of Inquiry would be a lot more fair than the investigation that was conducted during the 3 days for the Preliminary Inquiry?

A. Oh, no. I think you missed my point. I think that this is the fairest way in the world. I think for the United States Navy and for us in the defense establishment, that this may very well set new guidelines as to how we do business. But, what I mean by the fair is, and, ma'am, you've seen my endorsement, that it was clear to me that if you wanted to look at this as a shipboard thing, I could do it. Not a problem, but it seemed to me, I really need to address some other issues. One is my Chiefs of Staff was onboard, and if I kept it is a command investigation, everybody and his brother would say, irregardless of the truth was, we don't lie. I can tell you I don't lie. I just know who I am. They would have said you're hiding this, you're hiding that. Number two, and I'm glad the questions came up this morning on the distinguished visitors business. I think you would think that if I did it myself, some people in the media, who don't have a clue, who aren't held accountable

for what they're doing, or even other people would take that and say all we did out there was just joy ride. And, I didn't buy that, and me too, me too. If I'm wrong, if I didn't train Scott right, if I didn't train and equip that ship right, then you better have my butt. Okay? Because that's just how it works, and I knew the Court of Inquiry would look at all of those things as we move along. And, that's why, from one from day one, we knew it was the right answer.

Q. Alright, sir. You stated--I'm not sure that you did state--the day of the accident happened, you were in Japan and you returned to Hawaii the next day, and----

A. Well, I returned that day, but I have to cross the date line.

Q. And, you spent the whole day thinking about relieving CDR Waddle from command, correct, sir?

A. I knew I was going to relieve him when I went down to see him.

Q. And, when you relieved him, in the letter that you delivered to him, you didn't use the words "loss of confidence," correct?

A. I don't remember, ma'am. I knew I relieved him.

Q. Your concern was the loss of life during the maneuvers on the day?

A. Well, I believe in this business about "Captain to the Conn," by Joseph Conrad. I believe in accountability. You can't do an evolution on that scale of 1 to 20, that's a 1 and wind up with people being killed and remain in command. I feel very strongly about that, and I knew that I had to remove Scott from the ship. He knew it, too. I had him come up to my office because I wanted to talk to his crew and to take care of needs onboard and I wanted to do it privately. So, he and his Commodore came up to my office. Did I know it ahead of time? I knew I was going to relieve him when I left Japan.

Q. Sir, but your letter that's dated 10 February did not use the take words "loss of confidence." Is that correct, sir?

A. I probably--I probably didn't think of those words. The issue is this: everything we talk about here I think is critical, but certainly some pieces are a heck of a lot more critical than others. This command thing is the most difficult--and people in the United States and the world can't understand it, but I do believe it's the most demanding assignment in the Navy. I don't think that there's an instant during a guy's tour as the Commanding Officer where he can

escape the grasp of accountability. And, when the end of the day, there's been a collision in relatively clear space, and nine people are dead, there's got to be an accounting. Now, maybe it's my background. You know, I am a little bit bugged about the IOWA explosion. I am a little bit bugged about how we handled Tailhook. I am a little bit bugged at how we handle this--we call it hazing, but it was really male boarish behavior onboard the USS LOS ANGELES in whatever it was, '94. I'm a little bit bugged about Khobar Towers, but I will tell you, our Commanding Officers are accountable, they're really accountable. You know as well as I do, because you've handled one of my cases here, that we hold our guys accountable. We also--I think understand the tension and the terror and the horror and the difficulty of some of the places that we operate in. But, when I look back at my own career here and in Japan, we do hold them accountable and that's what happened with Scott Waddle. I hold him accountable.

Q. Sir, do you believe that CDR Waddle holds himself accountable?

A. Without a doubt. The tragedy of this thing is we have nine people who are dead. But, you know, equally as tragic--I know this human being. I know this man. He's a dear friend. He will be my friend forever. I don't vilify people after this stuff happens. He can't ever let this go. And, it breaks my heart.

Q. Sir, you agree that him being accountable doesn't equate to criminal negligence?

A. Well, it's a different situation, I think--that I think, I'd like to address to you, criminal negligence. I've read all the stuff. On that morning, on February 9th, two ships, two good ships, one filled with wonderful Japanese youngsters, one filled with good American youngsters went out. They weren't druggies, they weren't convicts, they weren't mean. They had no intention for this terrible tragedy to occur. But, due to some unbelievable fateful things that I call--I mentioned it before to the Admirals, some fateful decisions. Fateful decisions. This accident occurred. You couldn't replicate this accident in a million years, you just could not. What I read, and maybe I'm wrong, the lawyers would know this, and I know the court will have to look at it, it had an example in the book. It said throwing a hand grenade into a bunch of people or in front of them and saw it as a joke. This isn't on the same page or the same book, fateful flaws, two, when the Skipper, who I think an awful lot of, did not provide adequate time for integration of

information and for adequate backup and going to periscope depth back to emergency depth.

Q. Sir, do you believe that the mistakes that were made were honest mistakes?

A. I know obviously, there might be some other things that come out. But, insofar as what I see as far as information, and I'm talking about this reasonable versus unreasonable business, let's face it, the honest thing is that this Commanding Officer would not have gone down to do an emergency blow if he, in his brain, in his heart, in his soul, he knew that there was a surface ship there. The issue is, what could he have done to insure that he knew better what was up there.

Q. And, you agree, sir, that that's all in hindsight? What we're talking about now?

A. No, no. I don't think so, because I've told you, when I do emergency blows in my life, and I've done quite a few, I put the scope up as high as I can. Because I want to make sure I know what's up there. I don't trust anybody when it comes to these sorts of things. So, I'm not sure that hindsight is the right word, yet I do believe that it's easy for any of us experts to say what we want after we know that the tragedy occurred, ma'am.

I don't think that what Scott did was unreasonable insofar as they did clear baffles, and there's errors there. They did take proceed to periscope depth, they did take a look around, but you cannot-- nobody can move me off my thought, but I think the Skipper, and I look at him right here, I think that saying proceed to periscope depth was faulty, and I really believe taking a couple of swings around that scope was faulty. It should have been longer and at a higher level.

Q. So, your understanding, sir, is that it was CDR Waddle, himself, that said proceed to periscope depth, not the OOD?

A. I think the OOD did, but CDR Waddle said--as I understand, and that's what might be missing, proceed to periscope depth.

Q. Alright, so he says it--the Commanding Officer says it, and then the OOD says it, would you say that's a defect of the CO taking the Conn?

A. No. I don't think--and I as tried to explain before, ma'am, in a perfect world, he says proceed to periscope depth, and the OOD doesn't like it, the young guy says, "Hey, the Captain has the Conn." But, rarely will you hear a junior Officer of the Deck say that sort of thing. So, I'm not so sure it's the formal way, but when a Skipper is highly respected by his people

and so forth, well, when he says go to periscope depth, the young officers going to go, and that's what he did.

Q. Alright, sir. You also mentioned when the Commanding Officer called an emergency deep, that that was an instance when he took the Conn.

A. I agree with that.

Q. Alright. Would you agree, and I think we heard testimony prior to today, today that anyone on the ship can call emergency deep if they are looking through the scope.

A. That's exactly right, and God knows that they have to if they see somebody close aboard.

Q. So, are you stating that the person who calls emergency deep, whether it be a third class petty officer or a lieutenant that that person has the Conn by calling emergency deep.

A. You have it when you want it. If you want it that way. In this case right here, it was the Skipper who said emergency deep. And, I don't know if the rest of the team--I don't believe they knew what was going to happen. I may be wrong. I think we have to ask the Exec and the Officer of the Deck.

Q. Alright, sir. If I could focus your attention----

A. If I could just go back to that. It's a question, but--and obviously, it's one of the things that's very important that we really have to address. And, that is--address in great detail, the forceful backup the Skipper needs to establish that environment, truly establish that environment, that those men in charge of an individual station, or even a watchstation, have the absolute authority to call a spade a spade. God knows, it would be terrible if a young fellow were on the scope, even a young Sailor that didn't see emergency deep, but equating that to taking the Conn is little bit, in my mind--please don't read me the wrong way, it's a little bit legalese. The fact of the matter is, when the Skipper says emergency deep, a lot of actions occur. And, the Skipper didn't say emergency deep for the normal reason he would go emergency deep. It was a drill. It was a way to get down. I hope that's a little bit of help to you.

Q. Sir, if I could focus you a little bit on the Distinguished Visitor Program. You talked about how you feel this program is so important, because it educates America. It makes people understand what the submarine force does, and it makes sure that there are no miscalculations from foreign competitors, correct, sir?

A. No, no. I think that the Distinguished Visitor Program, putting guys on our--guys and gals of America on our ship, is about number four in my order of how I do those things you just said. Number one is me, ma'am. I'd talk to any person in America who will listen, every Congressman who will listen, anyone in the military or out of the military. Okay. Number one, remember what I said this morning. Number two, clearly to me is having the Skippers talk, or my squadron commanders, others in the chain of command. What I'm telling you is the speeches, intellectual arguments is number one. Number two--and speeches myself is in there. Number two or number three as you might want to have it would be printed material, that which comes from discussions. That's really worthwhile. Really worthwhile.

The third thing is I think our tours. I mean, we've had literally thousands of people on tours. Most of them are students and educational groups. And, then I put my DV Program. I think it's critical, but it's a whole package that's important. And, I will tell you why it's important. It's critically important because if we do not what we will allow. Someday in this country, and it scares me, but we will allow a potential competitor to miscalculate, and it could be harmful, as a minimum, to our self-esteem as a nation, but it could be harmful to our young men and women in uniform. If not, in this generation, the second. That's how I put it. That's how I put it.

Q. Perhaps it was the way I worded it, sir. What I was getting at, is you felt that all those things that you just stated were important to the DV program?

A. They are. But, DV program is last on my list. That's my personal list. They are on others different ways. But, I'm talking about bang for the buck. What's good about it is, you know, just like in media business it's support. Its educating America. Most things that we all do. Even the nice pretty things. Bring this fellow down to reenlist this fellow. I remember we had a wrestler, one of those professional wrestler guys reenlist or do something with one of the Sailors up in Bangor. I think it's great. But, you know, it's like a lot of these things, it's about an inch thick, it doesn't last. What

the visitor program does onboard, is that it's about a foot thick. Those visitors, whoever they might be, they never ever forget how good those people are, what they live like, and how much they put out for United States of America. And, that's the importance of it.

Q. And, those people who ever forget do so because of spokespersons like CDR Scott Waddle?

A. Oh, I think--you know what? The week that he went out--I think you're 100 percent right. The week he went out, I got a chuckle. My Public Affairs Officer, who I've met several times, I saw an email--I've read more emails lately than I have in my whole life. I don't write emails, for a lot of reasons. I don't have time. But it said that CDR Waddle gets the media award of the week, because this man's a wonderful man. He's the one whose personality will go out and find people to see his ship. I think he's a great spokesman. I almost killed him on January 1st. He knows that. He--January 1st, we stayed here, my wife and I thought staying in Hawaii would be nice and relaxing. I only realized that that's when everybody starts visiting Hawaii from the United States. We had a nice day and it was wonderful. And, Scott called up. And, it was wonderful. And, he said that Bobby Kennedy, Jr. was going to come down to his ship, which happened to be at Ford Island. But, you know what, I'm so naive, I thought that Bobby Kennedy, Jr. was a Congressman. So, I went over there. Came over to the house with the kids everything else. It's just a good example of a man who cares. I think he probably turned Mr. Kennedy, who I guess is a big environmental guy. But, he turned him around. Explained that hey, we're about as environmentally conscious, and we really are, in the Navy as any damn group you could find.

Q. So, he was helping the submarine community get out of the old Navy culture, if you will?

A. I would tell you two things. I think that the cultural change, that I believe is important in the Navy, twofold. Now, that I think that he was a wonderful has been a wonderful supporter of both. One is people. You cannot just use the word people like we do in the papers and so forth. One, is that his he was in his people program. I mean the results show 64 percent first-term retention, and I think he had about a 5 percent attrition rate for first terms. And, that's important. Here's a man who is really, really--walks the walk and not only talks it and that's really important. I think that he's a wonderful guy as far as getting the word across. And, I appreciate that support. I think that's very important. So, I think at both ends, you see a man who has done a phenomenal job

in both people programs and really understanding that our job in the Navy is to make every young man or woman successful. And, he's done it.

Q. Alright, sir. Earlier we were talking about the fact that SUBPAC doesn't really put out--I think you stated and maybe I'm wrong--SUBPAC doesn't really put out any specific guidance with regard to the actual of schedule of events during a DV cruise. Is that true?

A. No, schedule of events, we don't. Everything else-- safety and security, all the business about signing the waivers so they won't sue the government, all of that stuff and feedback and all, but we do not put out a specific instruction regarding what they do, unless we specifically have a group that wants to do one thing. And, that would generally be a congressional group, if they're focused on one single thing.

Q. Alright, sir, are you aware that your PAO passes out sample 5050s----

A. Yes.

Q. For example, one is from the TOPEKA, one is from the HONOLULU, that basically lists a the typical schedule of events that you would perform in a DV cruise?

A. He does a great job at that. That's how you learn. And, one of our problems in the Navy is we don't share things from ship-to-ship. So, we continue to grow that way by letting people--here's a good idea. I found something the other day on a ship that told them how they could play all the rules of cards. And, I sent that to the ships. That's how we learn.

Q. Sir, and are you aware that those 5050s from the other ships that your PAO passes out, all contained emergency surfacing procedures as a regular event when you're performing a DV cruise?

A. I have not seen each one, but I would think you're wrong on that, because I can show you four that I've seen recently that don't have anything about emergency blow. So, you don't want to go there. I could show you--the bottom line on this is whether the ship does an emergency blow or not is up to one man.

Q. Sir, the ones that you just spoke of, that are passed out by the PAO? I'm speaking of the ones that the PAO passes out?

A. Probably not.

Q. Alright----

A. Probably not.

Q. Sir, and I think that you stated that, basically, last year 12 of the 17 subs performed emergency surfacing procedures on DV cruises?

A. No, I wrote that down. Let me tell you what I got here, 17 were done.

Q. Seventeen emergency surfacing procedures?

A. Right.

Q. Is that----

A. That's part of these distinguished--hang on, I got them here, let me see [looking through notes]. Yeah. I had 17 were done, GREENEVILLE being the one of those events.

Q. Alright, sir, that's 17 submarines out of----

A. Seventeen out of 63 emergency blows, I believe in the Pacific----

Q. What about here at SUBPAC, sir?

A. In Hawaii?

Q. Yes, sir?

A. I may have to--let me find some notes here [looking through notes]. Can I get that to you later? They're were 17 emergency blows done I believe; 63 total.

Q. But, that's all of SUBPAC?

A. That's all of SUBPAC. And, I--I feel terrible about this. I don't want to waste time. I can't remember. There's more than I actually thought there would be, but I think it's great. Seventeen were done out of 63. Seventeen were for these types of cruises. Ma'am, I just don't remember exactly how many were done here, but I'll find that out for you.

Q. Sir, the other day you told me 12 of 17.

A. I think that's exactly right. But I--I can't find my piece of paper.

Q. Alright, sir. You also stated that----

A. Do you understand why? Do you understand why?

Q. Yes, sir. I think I do.

A. Let me tell you why. When you leave--it wouldn't be fair for me to ask you questions.

Q. No, sir, it wouldn't.

A. But, as soon as you leave the harbor here, you're in deep water.

Q. Unlike San Diego.

A. You got it, that's right--that's exactly right. I want to make sure that you understand that.

Q. So, bottom line is, it's much easier here than it would be in San Diego?

A. It's much easier to go to sea here. The weather's beautiful all the time. We rarely get fog and so forth and you basically can submerge very, very soon after leaving port.

Q. Sir, if we could talk a little bit about the operating area. I think it's fair to say, from your earlier testimony, that this was not a crowded area, and, in fact, it was an optimally placed operating area for the GREENEVILLE. Do you agree with that, sir?

A. Yes, ma'am. I think it was a good operating area for what they were going to do that day.

Q. You stated that there's no traffic separation pattern--or traffic separation lane, correct?

A. Yeah, there's a voluntary one here----

Q. For tankers?

A. For tankers, but they always go through the Kauai Channel.

Q. And, that the commercial fishing--I believe you pointed out on Exhibit 17 that the commercials fishing tends to go northwest of the island?

A. That's correct, ma'am.

Q. And that the sightseeing boats tend to hug the coast?

A. They always want to see Waikiki and the like, so they're not going to come out very far.

Q. Okay. And, I think you also stated, sir, not only from the Honolulu Maritime Safety Office, but the tribal knowledge within the submarine force here, is that sports fishing boats tend to basically go all over, but outside the immediate vicinity of ports, outside--outside one nautical mile, the traffic for those types of boats would be very light. You would agree?

A. Yes, ma'am. Where he was--and, I wanted to see it the day afterwards, so I went down to Waikiki. I couldn't see very far out there. It's very far out there.

Q. So, the bottom line, sir, is that with regard to the entire operating area that the GREENEVILLE was maneuvering in, and specifically with regard to the area in the immediate vicinity of the accident, that if all of GREENEVILLE's indications were that contacts were distant, that would be reasonable, in light of the fact that the area is one of very light traffic?

A. That's why I go back to the discussion you and I had before about reasonableness and unreasonableness. Look, he's got three contacts and they're all kind of to the north. And, you got this island called Oahu and the islands about 5 miles away. You know that these guys are not on the beach. You got to use your eyeballs to find them, because they can't be anything more than 7 or 8 miles away. That's--that's my point. If that was broad ocean out there, and we've done all this TMA thing, and they're 40,000 yards out, 20 miles, it'd be a different situation. But, where those three contacts were, 12, 13, and 14, they're backed up by an island. That's my concern for what I talked about the fateful flaws, and those are time.

Q. Alright, sir, maybe--let me word it differently. Would it be fair to say that if they only believed they had distant contacts, that would be normal for the area they were operating?

A. They couldn't be distant contacts, because Oahu is at the top.

Q. What would your definition of distant be?

A. Well, in my mind, for an emergency blow, I want to have 50--I want to be at 50 feet. Okay? I want to have as much pole up as possible. If it's foggy, I ain't going to do it, because I'm a chicken. I'm not taking a chance on this one. I'll run the line only tactically when I have to. But, I'll put as much pole up as I can. And, I'm going to look out there and I'm going to want Sonarman, put me on contact 1, then put me on Sonar 2 and then put me on Sonar 3. And the tragedy is that there was an island out there called Oahu. And so distance, if I was going to do a blow, they better be--and I better have good target motion analysis, for me, and I would use this 3-minute rule business--you know, how fast they could be going. But, I'll tell you, again, and ma'am, this is not technical. This is Konetzni's view of the world. They better be well, well outside of 20,000 yards. Well.

Q. Alright, so you--your definition of distant would be outside 20,000 yards?

A. Yes, 10 miles away. That's a distant contact. Now, you're not going to find that in the books. That's me. Because I don't have time to maneuver. I don't have time to do things.

Q. And, you're also not going to find in SUBPAC guidance that a CO must bring the ship to a periscope depth, or must bring the ship to 50 feet, are you?

A. I'll tell you what you're going to find. You can read it any way you want. But, it's as clear as can be to me. It says--in every book I've ever read--and' they're everywhere. It says something like make sure that you are deep enough in a tactical situation that you will not be counter-detected. But, it says, in addition, and I'm paraphrasing this ma'am. But, you know-- you have the words, but it says make sure you're shallow enough, based on a tactical situation, that you can see the contacts. I mean, after all, even tactically, that's why we take a high look every once in awhile, even if we're in places that we don't want to be caught in.

Q. Alright, sir, and being shallow enough, that's a judgment call made by the person on the scope, in this case, specifically CDR Waddle?

A. I think that's one of those fickle-finger-fate things that happened that day, ma'am, in that, obviously from what I hear from people, is that there was no water slap. The windwash is normally what gets your attention. You're always going to say get up.

Q. But is it a judgment call of the CO, sir, whether or not you're shallow enough?

A. Yes. It obviously was that day. He went to 58 feet as recorded.

Q. Thank you, sir. And, to go back to my original question, there is no specific guidance that says that a ship must go to 50 feet at periscope depth. Is that correct?

A. No. That is not correct. But you know why I say it's not correct? Because it says stay as deep as you can so you don't get detected. Go as shallow as you can so you can see around.

Q. And, you agree, sir, that the shallower you are, the harder it is to get down?

A. Ah, bologna. That's not true. I don't believe that. You don't have to broach. Go up to 50 feet, just at the top of the sail, ride the surface. If you broach, and you put some of your

ballast tanks up, yes, you're going to have suction on the thing, but I don't buy that. This is not a good way in this situation. This business of being sucked up, so what if you're off Hawaii. So get sucked up. You have to be awfully shallow for that to occur.

Q. Alright, sir. CAPT Kyle and RADM Griffiths testified that you would not want to be shallow because there's a danger that that would happen. Are you saying that that is not correct?

A. I'm saying--I'm saying--and I'm being as frank as I possibly can. Who cares? We're off Waikiki. So, if we broach up and it takes 10 minutes to get down, there's a couple of other deals that go with that. We could be looking around this horizon. Okay? And, no one was there to grade them. The civilians aren't going to grade them. I'm not saying that either RADM Griffiths or CAPT Kyle are wrong. We like to be good professional submariners. But, you know how you solve that problem? Stay at periscope depth for another knot or two longer. To me, that philosophy is another one of these--what I call. I'm sorry to do it, a red herring. The answer is to get the scope out of water and see what you got up there.

Q. Sir, moving on to the red herring issue, can you explain for those who might not understand that term, what exactly do you mean by the term "red herring"?

A. Ma'am, I--yeah. When I talk about red herring, it's a bad term, and I apologize for it. I would call things that, in my mind--in my mind, are less significant, in some cases, might have minor significance, or might be things that would make the public here, in Japan, or around the world, react to something, and yet there's no meaning. When the Master of the EHIME MARU said, "You know, they didn't care about us," that was upsetting to me. It was very upsetting to me, because I'll go to my grave thinking that these men, my men, will do anything possible. That was a red herring. It was thrown out there. He didn't mean it. It was in the manner of--manner of utter--you know, disgust. And, the tragedy had just occurred. But, those that I don't think have much to do with these things, I tend to call red herrings. Are they important? Not individually, collectively, they take on more importance, but I will tell you and I know I mentioned it this morning, and I'm sorry to bore you. The civilians onboard, I think CDR Waddle will tell us all. The fact that they were onboard is a red herring.

Q. Alright, sir----

A. Hang on. You asked me. Can I answer this question, ma'am?

Q. I'm going to go through them all, sir. Please, sir.

A. The civilians at the stick, under the firm control, I think is a red herring. I think the business of this sonar repeater that we call the AVSDU being out of commission is a bit of a red herring. And, it depends, like in all red herrings, on how much you want to use or not use them. I think it's a bit of a red herring, because as long as the ship had something in place, to ensure that it's purpose was being fulfilled, the CO walking into Sonar, the XO walking into Sonar, whatever, formal or informal, for 6 hours at sea, we had a lot of redundancy on that ship. And, I might be reacting to what I call the media. The contact evaluation plot. I think it's a wonderful piece of paper that we update with the ship's course and contact, primarily used in high density situations. I would never ever fault a Skipper that said don't use it, if that's his call, there are more important things to do.

But, I think when he says, oh, this thing wasn't kept up to date, I'm not so sure that it was much more than a red herring. There were other ways, more critical ways to determine who was up there. I think the business of one-third of the crew being left in is a red herring. I would expect the Skipper to have one-third of his crew stay in. This Skipper, I think was more than appropriate. They were training in attack teachers, as far as I know. They were doing the right thing. It allowed him to have some--to give his crew some time off, and I think honestly, it was appropriate. It had very little to do--no it depends on who the XO left in, that's his ship's bag. And, I guess the whole business of the civilians onboard, kind of overall kind of bugs me, for the purpose of it being a joy ride. It's inappropriate. It's inappropriate. Those are the things that I call, ma'am, not very--in my mind, not overly critical. This event would not have occurred if the Skipper had taken time in preparing to go to periscope depth, and if he had taken time in his look. I'm convinced that this guy would have been unbelievably upset with a longer look, when he saw the contact in his sight glass. I know him. He would have been upset.

Q. Alright, sir. Let's talk about a few other things which you have previously stated were red herrings. You agreed that the use of active sonar, that wouldn't have helped anything?

A. Yeah. And, I've gotten even passed that. We--this has been the most open--at least from my point of view, process, and that's why I think it's fair to all, fair to my shipmates who, basically, I've made parties, that was my thing. I think it's fair to the countries involved. The tragedy that's occurred to our the folks in Japan, our dear friends. So, I think it's a

very, very fair process. And, I will tell you, we've been so open. Sometimes I feel terrible about this, we've been so open.

Maybe I'm a bit naive, but when I assigned CAPT Tom Kyle to work with the National Transportation Safety Board, and he did it all, and that red herring was when that Mr. John Hammerschmidt got off the plane, being tired, saying well, they didn't use active sonar and radar. I was really upset. And, when I talked to him several days later, he's a nice man, he tried to do a good job. And, he told me--you know, he gets kind of nervous in crowds. I said, "Well, you know, this is a big event here, Mr. Hammersmith, and we all need to work together." I basically gave them five or six of my people, full-time, around the clock, doing this. And, so he had no justification, in my mind, talking about active sonar on day one. We have people grieving. Some of the people are here. I had to go down and talk to the Consul General about this, because of those kind of words.

And, at the end of the day, we want to take care of our Japanese victims. At the end of the day, we're going to take care of U.S. and Japanese relationships, and my GREENEVILLE shipmates, and the rest of my force. And, for somebody to blurt that out, when he doesn't--when he's going back to an event 11 years ago, that doesn't do me any justice. At the end of the day, that thing came out well, the whole investigation. And, I know the National Transportation Safety Board knows that, because they told me. We've given them every single thing, that was an inappropriate red herring that just incited terrible thoughts, in Japan, I believe, as well as the United States of America. And, as a professional submariner it will take me a little while to get over that.

Q. Alright, sir. Thank you. A couple of other things that you stated, you didn't use the term "red herring," but you said these things were not fatal flaws. You agree that the fact that there was no temporary standing order to compensate for the AVSDU was not necessary?

A. No, ma'am. That's exactly right. I--I don't think that the AVSDU being out of commission was a fatal flaw. And, I don't think--I ask myself, I try to be honest, what would I have done.

Q. And, the CO and the XO going into--walking into Sonar, good ways to compensate?

A. I think so, but I don't know if that was the plan. I will tell you what Konetzni probably would have done and I try to think about it, it's so easy after the fact, and these guys all know that. But, I think I probably would have said, "Hey, Weps

or Nav, write me a couple of things what you think we should do in hand and let's put it on the Conn." Or, I would have said, "Hey, OODs, pass this down the line, this repeater is out of commission, so I expect you to see the same data in Sonar before you proceed to periscope depth and make your report to me, as the Commanding Officer, as far as the status of preparations to go to periscope depth." But, a standing order? It's nice to say, it's not a perfect world and they were out for 6 hours. It wouldn't have been high on my list, ma'am. I think you're right.

Q. One method to--one method of appropriate compensation would be for the XO to place himself in Sonar. Would you agree?

A. Oh, I would agree with that.

Q. And, another method would be for the CO himself to go into Sonar, do you agree?

A. I would agree. I would feel much more comfortable if I knew from them that was the plan. But, I agree with that.

Q. And, another way, sir, would be for the Commanding Officer, himself, to look at the fire control screens or talk to the FTOW about what was going on that day?

A. Well, that's--that doesn't go with your first question. We're talking about the AVSDU being out of commission. And, so I think it's more that appropriate for the Commanding Officer to look at the fire control solution. I really do. Or the OOD, as well.

Q. As a method of compensation because the AVSDU is out of control?

A. I'll buy that.

Q. I mean out of commission.

A. Yes.

Q. Alright, sir. Sir, another thing that you stated was that the Workload Share Operator was not qualified was not a fatal flaw. Do you still agree with that?

A. Yeah. There's something that I'm looking up right now. You know, I think it's inappropriate, and I heard--You're not allowed to talk to anybody, so I don't know what's going on. Wait a minute, take it easy. I saw in the newspaper the other day, that CAPT Kyle, and I've talked about this. But, I'm checking here, because I'm the Type Commander and I'll get a message out this afternoon. I think that the BSY-1 and this is the installed, old sonar system on that ship, pretty clearly

says you've got to have, in that room, three people. You'll have a man who is a supervisor. You'll always know him. He's standing up behind him. And, you'll have two qualified--and I call them stack, CDC operators. Now, they don't wear yellow jackets because they're trainees. They're Sailors, so, I've not asked them in the past on all ships, so I expect three guys. Now, as far as I can see, now that we're putting--this is best, probably, modernization story in the world, that we're putting this off-the-shelf equipment to upgrade our sonars. When we go to phase two, we take two of the four panels away. And, they're really only used when we're doing towed array operations. So, if the towed array is in, you don't use them. Now, what I think CAPT Kyle said in the newspaper, nobody's talked to me about this, but he said somebody told him--somebody on a Tactical Readiness Inspection Team, that 20 percent of I crews out here either don't understand or whatever. And, I will tell you this. My understanding is that, with the BSY-1 System, because that's all you have left when the towed array is not out, requires three people, three qualified people. If there is some confusion, I'll certainly look at it. And, I'll put out a message this afternoon, that I started working on this morning, that says, is there any confusion, as we go through this. But, I will tell you, I think at the end of the day, that CDR Waddle will tell me that he expects three qualified guys. Okay? And, that's where I'm coming from. It's as basic and simple as that.

Q. Alright, sir. A second ago----

A. Oh, as far as it being a fatal flaw-----

Q. No, no. That wasn't where I was going. A second ago, you stated that you hadn't heard anything about what was going on or you hadn't talked to anybody and then you kind of backed up from that. Are you stating that you are not aware of the day-to-day proceedings in here?

A. Oh, let me tell you----

Q. I want to clarify that.

A. Oh, let me tell you. On Friday, my lawyer got a call and said why do you have CAPT Gonzales in here. And, they came in. Poor CAPT Gonzales looked like he was going to have a nervous breakdown. He said, "I'm not allowed to be in there." I said, "Give me a break. You're allowed to be where you want to be. We have 11 tickets for SUBPAC. Come on in." Now, that was a different question than what you were on before. He said "I don't think I should go." I said fine. If somebody has a question, if the president of the board has a question with me having one of my staff members in here, not a problem. And, I

always like to go to the bottom line. What the heck difference does it have being in an open hearing? Are we fearful of the defense? I guess so. I don't know. But, I will tell you this, I'm certainly not. And, guess what? I was the Convening Authority that did the Preliminary Investigation. I. My people, basically with a lot of help from the National Transportation Safety Board, did that review. My point to you, is on Friday, when I was told hey, don't talk to my guys. I said fine, whatever you want.

Q. But, you had talked to them previously, sir.

A. No, ma'am. I'm talking Friday's testimony ma'am. Talking about the question, that somehow a statement came up. I read it in the newspaper, I think it's off base, that 20 percent of my ships out here, right, which would be, I guess about 4 or 5, but I don't understand that, maybe 2 or 3, because there's only 12 of them that have that, so let's say there are two that have an unqualified guy who's a trainee there. My point is, I found out on Saturday and I started looking into it and I'm just trying to correct the record.

Q. Alright, sir.

A. Does that make sense?

Q. It does, sir. So, the information you got about the 20 percent, you got from the paper?

A. I got it from the newspaper. Because, somebody called one of my guys. I think it was this lawyer over here [pointing to Counsel for the Court], he was a nice man. He said, hey, you're not supposed to have your guy in there. I didn't know that, but my guy was there.

Q. Alright, sir. I think the concern was just that your testimony might somehow be tainted if you heard things that were going on, and it would not be intentional. I think that was the----

A. My testimony will never be tainted, ma'am. Believe me. Believe me.

Q. Alright, sir. Sir, you stated that the fact that the--in Sonar, that they played a biologics tape, that was also not a big deal.

A. No----

Q. Something that you would want to do during a DV tour.

A. Sure. You've got two drives. The bottom was out of commission, they showed a tape. There's no obligation for him

to be recording all the signals. It may be good for reconstruction or something, but no.

Q. Alright, sir. You also stated that there would be no need to increase the Fire Control Watch to two people. That one FTOW can handle hundreds of contacts, and in a case where we have three, there's no reason to add a second person to cover three contacts. Would you agree with that, sir?

A. I didn't say 100 contacts, but the system is capable of handling many hundreds of contacts. Clearly, that's the Commanding Officer's decision if he feels there is an overload. But, three contacts is pretty simple. These were--these contacts were held in many deflection angles. I mean, these contacts were--this wasn't hard.

Q. Alright, sir. So----

A. So, I'd say one is about right for me.

Q. So, that would be my point, that that would be the OOD or the CO's judgment as to whether or not they should add another watchstander.

A. Exactly right. Yes, ma'am.

Q. Sir, talking about ORM. You've heard--you heard the words safety, efficiency and backup from CDR Waddle, have you not, sir?

A. Yes, I have.

Q. And, it's your belief that this was his version of operational risk management, one of his ways to practice operational risk management?

A. I don't know if that's true. I think that was his theme, and I think they make an awful lot of sense to me, if I were a Skipper. But that's fine. It certainly has to do an awful lot with risk management.

Q. And, I think there was a concern here early--or last week, that those may have just been words. And, sir, didn't you tell me that if CDR Waddle stated it to his crew, then that's what he did?

A. Yes, I believe--I mentioned earlier this morning, I've ridden the ship. It's been a year, things change, 1/3 of the crew leaves, but everything I saw on that fine ship during the two times, in '99 and the year 2000, I thought were done exceptionally well. And, so, I think that he does walk the walk.

Q. Alright, sir. Do you believe that--you stated a couple days ago that you dismiss the idea that people did not get the chance to speak freely on GREENEVILLE as a method of backup. DO you still believe that?

A. You know, I remember our--I really remember our wonderful conversation. I will tell you this. And, if you're saying that I said people would not speak up on GREENEVILLE, I didn't say that.

Q. You dismissed the idea----

A. Thank you. I do dismiss it. I think that the Skipper is very approachable. I think he was good. I think I coined the phrase, and obviously lots of things I say are not very scientific, I do believe that often times, the best Skippers get the worst backup. I do believe that. And, it's not intentional. Well, you look like you know what you're doing. You say hey, the old man's got the answer, periscope depth, he sees no contacts. I believe him. I believe that. But I think the CO's that are the best, probably don't get the good back up. I mean, the opposite of that, is if the CO is not very good, we don't have many--very few of them in the Navy, in all areas. I've got to tell you, that's that teamwork that people will pick up all of the pieces.

Q. And, sir, does that--the statement you just made about the best CO's get the worst back up, that kind of goes back to that idea that the 2 year point in command can be the most dangerous----

A. I told you that.

Q. Because? Can you elaborate on that?

A. Well, if--we--in my community, we leave people in command for close to 3 years. We like to leave them for 3 years, but during the downsizing, we brought that in a little bit, but not much. And, I think that gives us some great successes, because the CO knows his ship. This is not very scientific. It's my own view, that if there is a time when the Skipper has to be watching out for himself and his own actions, it's 2 years. Because, you see, he's done everything at least once. And, he's established his reputation among the crew and among his cohorts, and he knows himself. And, yet he's not close enough, let's say to that 32 month. And, that's been the average tour length, to start--you know, geez, I'm a little worried about this and worried about that. So, I've had a feeling. And, we talk to the Skippers when they go through PCO school, be careful. Be careful of that. Does that mean their lax in that? No. I just think it's a period where the Skippers been there for 2 years.

But, he's already lost--60 percent of his crew is turned over. He's got to be careful.

Q. That--that 2-year point, where the CO can do no wrong--good CO's can do no wrong in the eyes of the crew. Sir, I think we talked about the fact that you--you hypothesized that that might be one reason why the FTOW didn't speak up.

A. Yeah. I----

Q. Not because he was embarrassed to speak up in front of the DV's, but because he thought his CO could do no wrong.

A. That--that may very well be. And, I--I remember--I do remember talking about it. And, we talked about this, also, what I call the integration of time. It's extremely critical. If you give time, you give more thought process. You allow those that are under your command to say, gee, this is a time to put this in.

But, if you go to periscope depth rather rapidly, if you come across this--the man, and he is the man. Because the Skipper is the man. It's just the way our Navy works. It's what's made us very successful. You may not get that backup. Time is the most important aspect. When you proceed to periscope depth, and all of a sudden, somebody in authority says gee, look at this, in their mind, and then very shortly after the scope breaks and the old man says I hold no contacts. Is there a tendency to draw back? I will tell you this. Being a submariner for as many years as I have been, when you go to periscope depth, when you say "I hold no contacts," there is a wonderful pause among the rest of us in the Control Room that says I can take a breath of fresh air. It's just the way it is.

Q. Sir, you still agree that Captain--that CDR Waddle had the kind of climate that supported back up?

A. I think, and again, ma'am, this is only from 2 days of sea in 2 years. But I know these wonderful fellows here. I think an awful lot of them. I really do. And, I think that they--they could speak up. I feel very, very sure that they could. But, I worry about that last 8 minutes. I worry about those. I don't worry about anything else. The luncheon business, I could care less. But, 8 minutes, boom, proceed to periscope depth, give me the scope, let's take a look around, emergency deep. That negates that iteration. And, that I think was the fault here. I don't call it criminal neglect. But, it's too fast, damn it.

Q. Sir, you would expect though, that a Fire Control Technician of the Watch, who had a closing solution of 4,000 yards would speak up.

A. I'd like him to. But, I--I wasn't there, ma'am. I'd like him to.

Q. Would you require him to?

A. I will tell you this. I don't know how--would I require him to?

Q. Would you require him to?

A. Well, it's--again, it's Monday morning quarterbacking

Q. Well, you said distant would be the 20,000 yards for you, sir, right? So, 4,000 is clearly within that?

A. I think you have to hear from him what his thought process was. And, we are talking about the time when the Skipper says proceed to periscope depth or is transferred to the Officer the Deck, and the scope breaking the water. And, this is the time--this is the time element that I feel is so critical here. He's going up. I don't know when, exactly, I'm trying to figure it out. This fellow who was the Fire Control Technician of the Watch--you know, relative to say proceed to periscope depth, sonar 4,000 yards. It's there. We know that. We answered that.

Q. Let's say he saw it at 150 feet. Should he be--is he required to speak up?

A. He should--if it were me. You don't want to be surprised by your contact who's 4,000 yards away. And, you got to talk to him, I think. But, damn right. You got to speak up.

Q. Sir, what about----

A. But--hold on. Because, you're not allowed to speak up during that time going to periscope depth, unless there is a situation that's going to you make it unsafe, close contacts.

Q. Would 4,000 yards be a situation that would make you unsafe?

A. Oh, yeah.

Q. Alright, sir, so----

A. I agree with you. But, my point is, when did this--again, this is the thing I don't completely--when did this young fellow see it. But then when he hears this young fellow [pointing to LTJG Coen] say no close contacts, he's saying I feel better. Then when this young fellow [pointing to CDR Waddle] the Skipper

says "I hold no contacts," he says, got that one wrong, didn't I.

Q. Sir, I'm talking about the time prior to the OOD saying no close contacts. You already stated that you would require him to speak up at 150 feet if he saw a closing contact of 4,000 yards, right?

A. I agree. And, you're saying I require. He should speak up.

Q. Right. What about a 103 feet, when you're proceeding to periscope depth, and he saw a closing contact of 4,000 yards. Would you require him to speak up?

A. I really believe that he should have spoke up.

Q. Thank you, sir. You answered my question. Admiral, you agree that only the Commanding Officer can resolve, in his own mind, what the fatal flaws were of that day?

A. Well, I don't--well----

Q. Because a lot of this is a judgement call, correct, sir?

A. I guess if you're saying at the end of this thing, does CDR Waddle know what happened, if that's the question, at the end of this thing, CDR Waddle knows. But, I know. And, you will never get me off this. No one will. I know that the rapidity of doing the baffle clears, and sometimes it's good to them, and going to periscope depth, and saying go to periscope depth. And, taking what I consider to be, inadequate--an inadequate amount of time at periscope depth and to say emergency deep are fatal flaws. I would love to hear CDR Scout Waddle's version of that, because I think it needs to be heard.

Q. Alright, sir. So, while the information you're providing us is, of course valuable, you agree that CDR Waddle's testimony would be more valuable?

A. With out a doubt. I think that of all three of these gentlemen here.

Q. Alright, sir. We had talked previously about the evolutions to occurred when the GREENEVILLE was proceeding to periscope depth. And, you stated that no real steps were missing, that they were just short, correct?

A. I also stated that some of it was an interesting--one of these quirks of fate.

Q. Correct, sir. The moon and the stars----

A. You got it. And, that has to do with the bearing rates that he saw.

Q. You agree that if the OOD felt rushed, he should have spoke up, correct, sir?

A. I--in a perfect world, he should. But I will tell you--you know, it's like every book that every one of us naval officers ever read. There's only one man in the hour of emergency and peril at sea you can turn to. And, young junior officers, we can tell them a thousand times, but until you're in that seat in the arena, you don't know. I'm not so sure that I fault this guy over here [pointing to LTJG Coen], this LTJG Coen guy, because I've been there as a JO. At one time I got fired for going emergency deep on the moon. There wasn't supposed to be a moon up there. I was the Officer of the Deck and I got fired. And, you know, that established an environment for me. But I said, geez the next time I ever do an emergency deep, I think I'll think twice about it. It was a long time ago. But those are the things I think are critical. These guys can answer it. I don't know what their relationship was.

Q. Certainly, sir. Your comments presuppose that the OOD did, in fact, feel rushed and didn't speak up because of his relationship with the CO. Could it not be that perhaps he really did not feel rushed?

A. Oh, I think you're 100 percent right. I am one of those people that consider one of my best friends in the world to be the man of the hour, because he's the Commanding Officer, and that's CDR Waddle. And, it could be. It could very well be.

Q. Alright, sir. We also talked about the fact that the XO was in Sonar, and he didn't speak up. And, I think there's been some evidence before this court about the information that was gathered from the Preliminary Inquiry regarding the XO's comments, immediately after the GREENEVILLE pulled into port on the 10th. You said before that you don't buy what the XO said, that it's hard to believe that if he knew there was a contact that he wouldn't speak up. Do you still agree with that?

A. I agree with that. I think that from--when we use the words forceful back up, they sound very nice, but the fact of the matter is, when you are the Executive Officer on a ship, and all of--the members of this Court of Inquiry, all of us were Executive Officers, and you need to use every method that you have to get the signal across. You serve as the alter-ego. And, it's important. And, it's important also for the Commanding Officer to nurture that. It's really, really important. And, when the team isn't working, that's when things could go wrong. CO/XO team.

Q. Sir, given the fact that it's hard to believe that the XO would not say anything, isn't it more likely that perhaps his words were interpreted wrong during the interview that was taken--you know, after the accident?

A. I don't know that. All I know was that on the day of this terrible tragedy, if the team was working on proceeding to periscope depth, I would have heard "clearing baffles in preparation go to periscope depth." Sometime later, I would have heard "taking another course." And, then I would have heard all of the reports that, "Hey, I'm ready, from Sonar, the Dive is ready, Fire Control is ready. And, at that time, someone, this Lieutenant right here [pointing to LTJG Coen], would have said to the Skipper, Captain, I'm prepared to go to periscope depth. And, I hold three contacts, and here's the range, all this stuff. And, I didn't hear that and I don't know what the XO's role is in that. I don't know what the XO's role was. I know he went into Sonar and I think that's wonderful. I don't know what he saw or did there, ma'am. And, that's my problem. That's why I think that these three guys, I think it's critical that they talk.

Q. And, you never had the impression that CDR Pfeifer and CDR Waddle did not work well together?

A. No. As a matter-of-fact, I was looking back at some of my notes. The Skipper had stopped by my office sometime, I think it was during the holiday, or right afterwards. And, he was really, really keen on pushing as hard as he could for CDR Pfeiffer to get screened for Command. I said, I'll do whatever I can. I think he's a good solid citizen. All I can do is this case, if I think highly of the guy, I written him a letter and say I've ridden the ship and I like him. And, I was willing to do that. And, he did the same thing for his engineer, as well.

Q. Alright, sir. All the things that you just discussed about going to periscope depth, you'd expect to hear this called out, that called out. Those things all show that the submarine community takes going to periscope depth very, very seriously, as you stated, correct, sir?

A. Yes, it's not--it's not a routine evolution.

Q. And, is there any reason to think that the GREENEVILLE did not take this periscope depth evolution seriously?

A. The only reason that I see, is the speed at which it was done.

Q. That indicates to you that they didn't take it seriously, or just that you might have done it differently?

A. I think that they took it as seriously as could be. But, I--I really, really believe that it's the speed that they need to ask other questions. I have been on the GREENEVILLE. I have not seen them go to periscope depth this quick.

Q. And, that speed is a judgment call by the CO and the OOD, correct, sir?

A. I would say, in this case, because he's driving the show, this was a judgment call by--this is my view, by the Commanding Officer.

Q. Alright, sir.

A. And, I will tell you this ma'am, when you're talking about the fateful things, when you take a look at the first leg, which was the slowing leg, when he's going to the north, the purist will tell you that there's not a lot of information from that leg. But, what it did do, until late, it kind of--and I--I don't know when CDR Waddle went into Sonar, it tended to hide the high bearing rate that was generating on Sierra 13. And then the other leg, it's not a leg I would pick. It certainly met all the requirements for a 120 degree differential. That's fine. But it tended to put this brand new contact about aft the beam. That kind of concerns me a little bit.

Q. That's assuming he knew about that----

A. Oh, exactly right. This is not--this is not a science. And, so, my guts tell me that those things are not fatal flaws. The data was there. And, we would like it to be--in a perfect world, we would like to have 3-minute legs, and this, and that, and everything else. Those are truly good recommendations. It turns out, obviously, the computer was there with it. But, I think if either one of those legs had been stretched out a little bit longer, there had been more thought to allow the party to catch up, this event wouldn't have occurred. And, I go back to what I said. The CO, in my mind, using my terminology, took the Conn two times. One was get up to periscope depth and one was emergency deep. And, those were, in my mind, the fatal flaws.

Q. Alright, sir. Talking about those TMA legs----

PRES: Counsel, just hold on. I was wondering how much longer do you think on cross. Substantially longer?

Counsel for CDR Waddle, party (LCDR Young): Yes, sir. I think so.

PRES: Okay. Then we're going to go ahead, at this question, recess now until 1500, sharp. And, we'll come back for your cross. Court's in recess.

The court recessed at 1450 hours, 12 March 2001.

The court opened at 1500 hours, 12 March 2001.

PRES: This court is now in session.

CC: Let the record reflect the members, counsel and the parties are again present.

PRES: You don't have any procedural matters, do you counsel?

CC: No procedural matters for the court, sir.

PRES: Call RADM Konetzni to the stand.

[The bailiff did as directed.]

CC: Admiral, if you would retake your seat in the witness box. And, again, sir, I remind you, you're still under oath.

[The witness resumed seat in witness box.]

WIT: Yes, sir.

PRES: Counsel for CDR Waddle?

Counsel for CDR Waddle, party (LCDR Young): Thank you.

CROSS-EXAMINATION

Questions by counsel for CDR Waddle, party (LCDR Young):

Q. Admiral, could you talk about your Chief of Staff. Do you recall stating that--in your conversations with the Chief of Staff, he says that he heard all the right words on the ship that day,

A. That is correct.

Q. And that he observed the professionalism with which the crew conducted the angles and dangles and high-speed maneuvers?

A. He was very much impressed with that. I don't know what he thought he was going to see that he was very impressed with that evolution.

Q. And you do not think that the Chief of Staff--or the Chief of Staff didn't think that he needed to do anything to interfere in the events that led to the accident, correct sir?

A. Yeah, I don't--I really believe, and you will talk to him obviously tomorrow, that he did not see anything that was so egregious that he felt he should have stepped in. I believe that CAPT Brandhuber would have stepped in. I really do. Now I have to mention, that I have asked him this several times because he works for me, that he did not know that there was sonar contact standing where he was. What that have made things differently? You just do not know. It may have.

Q. Sir, would he not have heard the contact picture through the 27MC if he was in the Control Room?

A. You really need to ask him. I have asked him four times at least. Did you know there was sonar contacts, and he told me no.

Q. Would it have required an egregious problem for him to step in?

A. You know it's one of those tough questions. I believe the Skipper is the man. You need to see something--first of all you need to be looking for what you expect to see you know he's not their Inspector. I don't even think he is there as an escort although he is helping that situation. I think if he saw something that was egregious he certainly--I really believe this, that he would have stepped in. On the other hand, just like your question about the 27MC, he standing in the back in the port hand side of the Control Room--is he shooting the breeze with somebody quietly; I don't know that but I do believe him when he tells the that he did not hear that there were sonar contacts.

Q. Sir, moving your attention CDR Waddle and the USS GREENEVILLE in general. Your opinion is that CDR Waddle has very high standards and that the GREENEVILLE is a good ship and is conducted in accordance with those us standards?

A. From what I've seen, and from what I have heard, there have been many, many inspections; many people riding the ship; my N4 who is my Logistics and Engineering Head, Captain Dennis Huelle is a man who I have the utmost faith in, he just rode the ship

in January and he was most impressed. Most impressed even when the ship was under fire. They took some water down that hatch as they left San Francisco in January. So I would say, ma'am, this is a ship that has been tested, examined, and it comes out on top all the time.

Q. Alright, sir. Considering the fact that you are Commander, Submarine Force, Pacific, that you have ridden the GREENEVILLE on to occasions, that you have received reports from your Commodore, your Chief of Staff on the operations of the submarines under your; is the fair to say would be a better judge of the GREENEVILLE's command climate than Rear RADM Griffiths who only had a chance to look at the command climate for only 3 days?

A. Without a doubt.

Q. And you also receive trip reports from others that ride the ship?

A. Correct.

Q. And do you recall receiving a trip report in January of 2001 from the COMSUBPAC combat systems training team?

A. I did.

Q. And in that trip report it was stated that the attitude and enthusiasm of the entire GREENEVILLE crew is truly motivated; do you recall that?

A. Yes.

Q. And it also stated to Commanding Officer; whatever you are doing, keep it up. It's working. Do you agree with that, sir?

A. I agree with that.

Q. Do you also agree that the 2001 trip reports reviewed the ship's noise reduction program records with the ship's noise reduction Petty Officer who was Petty Officer McGiboney also the Sonar Supervisor on 9 February, and said that the overall program was in good shape and was above average.

A. I never put two and two together as to--if that was the same individual, but I remember it vividly.

Q. And do you recall that the January 2001 report also said that within a very short period of time the GREENEVILLE would have the best Sonar Team of all the submarines in Pearl Harbor?

A. I remember those words, or words very similar to that. They really had the potential to grow and that did not surprise me. I think the words by CAPT Huelle, when he rode for a 4 or 5

day period, which is when you can really get a sense, were even more flattering.

Q. And he also rode the ship, I believe, from the end of January to the second to February 2001.

A. That's correct. I think he rode from San Francisco back to Hawaii.

Q. And he created a trip report that you have seen also?

A. Yes, ma'am.

Q. And CAPT Huelle is one of the most senior O6's in the submarine force; correct sir?

A. Yes he is. He will retire this spring.

Q. Do you recall that CAPT Huelle said in his trip reports that the GREENEVILLE was the cleanest and best preserved SSN that he has ever embarked on during his tour at COMSUBPAC.

A. I remember it vividly.

Q. And that the crew's moral was high, and the attitude of the Wardroom in particular was very positive?

A. I do.

Q. Also that the personnel are very actively engaged in qualifications both submarine, both submarine qualifications and watchstation qualifications?

A. Yes, ma'am.

Q. And that CDR Waddle and CDR Pfeiffer had a very well balanced training program.

A. Yes, ma'am.

Q. Overall sir, do you recall that CAPT Huelle stated that he was very impressed with the balanced approach taken by the GREENEVILLE to maintain high standards on all its missionaries?

A. I do remember that and I agree with him.

Q. Regarding CDR Waddles, sir, do you agree that he is a person that is adored by his crew?

A. That is a little strong, but I will tell you that they think an awful lot of him and I do as well.

Q. And that's in addition to being--in addition to his crew thinking well of him, that his operational record is superb especially in the exam area. For example, the selected--the selected restricted availability?

A. Yes, well--but that is a very difficult maintenance period and I think the ship, by working as a team, came through the flying colors ready to operate afterwards. It certainly saved the government--the U.S. Navy some money and certainly supported deep hole maintenance efforts by the shipyard.

Q. Sir, you mentioned the times that you rode the GREENEVILLE in 1999 to 2000, and basically stated that you had nothing but glorious comments about your two rides with the GREENEVILLE, right?

A. Yes, ma'am. I mentioned this--again the ship was extremely clean, the crew looks good, they operate good. Their formal repeat backs look good. They take care of each other. They clearly show what I call self-awareness about their ship and an empathy toward their shipmates. Rarely do we see problems on the USS GREENEVILLE because they care. I am one of those that believes when the team is working well the standards go high and that is why I have a problem with this, what I call, an eight minute period.

Q. Alright, sir. Specifically with regard to the evolution of November 1999 between the GREENEVILLE and the Japanese maritime self-defense force submarine Hayashio. You he told me that that exercise was one of the events of your life that you will never forget.

A. That's correct.

Q. And that is because the GREENEVILLE hovered so beautifully for hours, which is a very, very difficult thing for a submarine to do, correct sir?.

A. That is right, ma'am. This was very, very special event between the JMSDF and the United States Navy as I mentioned earlier this morning to VADM Nathman and the other gentlemen that we have always looked in my own community out here to support our allies, our dear friends, and particularly in this case with Japan because I saw that an end road for the Japanese military with other military forces in Asia was through truly this rescue business and we have had a very successful time, I believe it was in 97 as I said with CAVALLA over at Sagaby One and after that I felt very comfortable that we must continue this and that exercise was critically important to be successful between our two nations because we knew in our long-range plan

in this exercise between GREENEVILLE and Hayashio--what we wanted to do was provide the Japanese government and their military agency a couple of items that they could bring to their government to be able to allow their submarine and their equipment to go down to Singapore in October of the year 2000 to participate in Pacific Reach 2000 which is a multinational and multinational is the key word, Japan rarely gets into multinational exercises, but this being a search and rescue exercise where we had success before, one being CDR Waddle's ship allowed them to do it. It's the most exciting thing I've ever seen in my life to see a young Korean guy get out of Japanese equipment and vice versa. It was great! It's what bringing people together is all about, and this man here was the man who made that work in November of 1999. Because it was a very difficult exercise, an exercise that only here could it probably take place. Because although we did the exercise in 97, we did what we call soft touch on the Cabala with the Japanese rescue vehicle. We never opened hatches. We knew to open hatches, we would have to do it on American territory, American waters. After that great success, things started clicking and that's what allowed us--we had to cancel it, truly cancel it out of true reverence for the people who died and their families, but we were going to have the first annual multinational submarine meeting here in Hawaii. Multinational Pacific, one of the greatest things in the world, but if was all--we'll do it down stream and I know our Japanese friends know that we will do it. But it was because of the great success of the Hayashio and the GREENEVILLE.

Q. Sir, the success of the Captain can be directly attributed to the skills the Navy gives him as well as his own--what he brings himself, true.

A. I agree with that.

Q. In fact, you quoted the Arleigh Burke when you said that the Navy gives the man the tools and ability to do the job and we let him do it. And that is how you feel about CDR Waddle's ability, correct sir?

A. That's how I feel about every man or woman who works for me. We have to give them the tools and the training to do the job and then let them go and do it.

Q. And you had such confidence in CDR Waddle, sir that I think you stated that you wanted to see him be a leader in the Navy some day.

A. The commander came to me, I think it was in December, and he just wanted to talk. I don't even know if he came to me, but I

saw him outside of the office and did what I wanted to do and I said come on in and lets talk. I thought, at one time, that he would be the perfect replacement as my personnel officer on the staff. Very important job. It--the rotation dates didn't match up. We talked for a little while--this was in December I think he was concerned about--I talk to a lot of Skippers, I don't want to say that I only talk to CDR Waddle, I have people in there all the time--and I told him, hey keep doing what you're doing; you're doing fine. I think I mentioned about, hey what this fitness report says and what this reflects it will move along.

I am not completely satisfied with the Navy's performance evaluation system--it has nothing to do with here, but I was telling him your going to be fine and I told him what I thought. And as I remember, this was in December, my comments were that this business of ours whether it be me or him I didn't want us in the military--and I suspect it's all about the world. It's all about influence and at the end of our careers it--the number of medals and stuff doesn't count a heck of a lot. I told the Commander that what I thought he was on his ship was wonderful because he was influencing American young men and their families in a wonderful way and I felt very strongly about that. The payoff would come to him certainly in the heart but also professionally.

Q. Admiral, there is another area that I want to touch on that I think it's important that we make clear to the court. You believe that CDR Waddle practices safety on his submarine, correct?

A. I do.

Q. So what I want to get at is this notion that may be out there that he is a hot dog. You do not in any way believe or support that at all do you?

A. No. I have thought a lot about things. You know we all have reputations. I have supporters and I have detractors. I can remember when I made Flag somebody told me, a man whom I used to like quite a bit I don't as much now, you're probably the only guy that made Flag officer on a smile. This was about 1991 and it really hurt my feelings. It really hurt me to the core. I kept thinking, let me get this straight. I do the same inspections. I go on the same damn deployments. I have the same metrics that evaluate my success or failure and this is what you tell me. I didn't say it to him. It's kind of like the word hate, you're stupid to hate. Most of the people you hate don't know it and the rest of them don't give a damn. I

really feel that way, so I let it go. I really, really believe that Scott Waddle is a wonderful man in I think that he's a man who is capable of great things and still is capable of great things. I really believe that he was doing things right and to answer your question, does he smile a lot; is gregarious, am I?

When I walked in here today, somebody is going to say I smiled at the cameras. What do you want me to do, crawl on my knees? It's me, it's him. I said before there were times in jest. I told him, Scott you are the greasiest, and I probably used a four-letter word, but I meant it out of love because when I would say that, he would always, again, try to do this and do that, but you know what I saw with him, there was a balance. I believe he has taken his department heads out to dinner as much as he's been to dinner with other people. That's a charming way. That's the way he is and I have really liked him for that. I wish there more people like him in this world. I really like him for that.

Q. Sir, you reviewed the PCO reports for CDR Waddle's class, correct?

A. It was briefed to me because I have been in this job for a while. I enjoy it.

Q. And CDR Waddle was ranked 5 of 12 in his PCO class----

A. That's correct.

Q. In fact, rated above average in pretty much every category at PCO school.

A. That's correct.

Q. The reports stated that overall he will take care of his crew, create a very positive command climate and understands the value of high standards, and will enforce those on his ship.

A. That's exactly right. I will tell you also in addition to that, of course you know that's a small--short period of time for a prospective Commanding Officer instructors. They do a wonderful job and I would never negate what they say. It's another input of literally hundreds of thousands in everyone us. We all get that. And we have had CO's who have been number one who failed at command, but not in general. I will tell you also that the group above CDR Scott Waddle are pretty phenomenal naval officers, so he was in some pretty tough competition, and if you average out the overall grades in the areas tactics, command presence and comments and all that stuff, they are all pretty close to equal.

Q. He also looks good in the eyes of Naval Reactors. Do you agree, sir?

A. Yeah I--I mean I certainly do. I the ship has done--I'm already smiling when you say naval reactors. I don't know how many people would understand it. I think that his technical expertise and the way that he has trained and coordinated maintenance, the training, and the upkeep on his ship has been phenomenal. Obviously Naval Reactors is the ultimate organization as far as understanding operational risk management, and I would tell you that, yes, I think that--I think that the Skipper enjoys a wonderful, wonderful reputation and his ship does. One of the reasons you can see that is his engineer who just left, CDR Meador just went to the Nuclear Propulsion Examining Team out here at CINCPAC Fleet. Our best young fellows go to that business, so I think that says a lot. I don't remember exactly, we laughed about it at one time, but I think when ADM Bowman walked through his ship I think he ripped his slacks on a piece of metal somewhere, but we laughed about that. I believe he made the comment to me that it was one of the cleanest ships he had seen. At least out here and I was very impressed, makes my job easier when these--the four stars say that too.

Q. Sir, in fact your quote to me regarding that was that the GREENEVILLE was flawless in the eyes of Navy Reactors and that is a very selective organization.

A. I may have been too strong. I'm not sure anybody is flawless in the eyes of Naval Reactors, but I will tell you this, that he enjoys a very good reputation.

Q. In fact sir, the GREENEVILLE achieved a Tactical "T" 2 years in a row. Is that correct?

A. I don't know that. I mean--they probably did. I don't pay much attention to those things to be very frank with you. Please don't read that the wrong way. I am just happy as can be when they are doing things right.

Q. Alright, sir. Just a few more questions for you. You stated that being a mariner--being a mariner is not like NATOPS in that it's not----

A. No, I didn't state that, somebody else did. I heard that----

Q. Someone else stated, and you told me that you had heard that.

A. Yes.

Q. It's not like NATOPS because it's not all about rules. Not everyone fishes the same way, and that again is calling into question judgement of the Commanding Officer, correct sir?

A. Yes.

Q. From what you have examined and read, is it fair to say that you do not feel that CDR Waddle was unreasonable in his actions on the 9th of February?

A. Yes, I feel wishy-washy I did not make the statement about NATOPS because I don't know much about flying aircraft. I don't know anything about flying aircraft. I will tell you that, in our business, there is much latitude in that which we do and it goes back to my comment before about the Commanding Officers ultimate responsibility. Even our own procedures as we know very well have words that say this must be followed; this doesn't necessarily have to be followed, and on and on. I have been troubled by the business--and you brought it up to me ma'am in my office, reasonableness and unreasonableness.

I do not believe because of my concerns about what happened and I guess I put it down in to words of the CO taking what I considered the Conn twice. I don't believe that that was reasonable. I really do not believe it was reasonable, and I've tried to try to be as penetrating in my questions to myself as I could ma'am. But I must tell you that during that eight-minute period--if somebody asked the question was it unreasonable and that's a hard one. I'm not so sure it was unreasonable because at least there was a target motion analysis; there was a going to periscope depth; there was a look around and then there was the other events. So I wouldn't say that it was unreasonable by the same token. I'd like to go over there and punch him for not taking more time.

Q. Sir in the end once the Court of Inquiry is finished and the findings of facts have been rendered, do you agree that this whole incident will give valuable lessons to the submarine community?

A. No.

Q. You do not?

A. These will be the same lessons that have been learned over and over and over again.

Q. One of those lessons being that the Commanding Officer is accountable strictly in his role as the Commanding Officer because he is accountable for his ship correct?

A. That's certainly--that's not a lesson learned that we have put out. That's going to be pretty obvious. I don't mean to be glib when I say that there will be no new lessons learned. We're talking human beings.

Q. Yes, sir.

A. You know it's like a car accident. I mean I could tell you tomorrow that most of, you know, the lessons learned in automobile accidents. Yet there will be a million of them tomorrow, so I really want you to know that--no there will no new lessons learned. We will certainly put out the facts because I think it will be backed up by this court, but this is an assumption on my part, ma'am, that submarining is just like many, many tough high tech type things, particularly at sea. It's a team endeavor. Formal backup is critical. When things go down, you know like pieces of equipment, have some work arounds. Make sure that you do some other things and we've learned it.

You know in 1999, one of my best ships out here almost collided with a surfaced submarine. They did not. It was on the range. The Skipper is a wonderful man and a dear friend of mine. One of the best ones we've ever had. Great people guy. This guy early selected for Captain. He is a wonderful man. The issue in that thing was this thing that you bring up, and that is the backup business. The Skipper was on the scope. Kind of the same day with the swells, and we could argue about 5 foot, 6 feet, 10 feet, I don't care what you want to, but the periodicity was there. Looking out the scope--one of the targets looking out a scope is a submarine. You know we put this altogether because we put every single incident we ever, ever had, or near missed together. We do it unbelievably religiously. We put out and what really came down to the fact was, yes it is difficult to see submarine to periscope and have to be careful of the swells. A lot of the same issues you've already addressed here.

But, when I say there will be no new lessons learned, and that article, you can have a copy of it if you haven't seen it already, I was looking at it the other day going through how many lessons learned that I have put out in my last couple of years here. They are all done for training and they are wonderful. It basically says, Skipper you need to make sure you get the backup. You need to give the time. You need to make

sure that backup is there. They will be very similar to the lessons learned right here. Now we will do other things, but the lessons learned will be the same and it is a terrible accident. It is a terrible tragic accident that human beings fail.

Q. Sir, do you agree that often good people conscientious people who are doing their best and exercising their judgements sometimes make honest mistakes?

A. I couldn't agree more ma'am. I go back to that morning, and these two great organizations, the fishery ship and my ship went to sea with all intentions of everything being wonderful, and I go back to the fact that they weren't on drugs. They weren't hung over. They weren't going out to mess something up. Certainly not to lose life or to cause the loss of life. They were trying their best, and for an 8 minute period, I don't buy the business of--we're late here, we're late here, we're late here. We're not hot dogs out here. I know this man well enough to tell you that he is not the kind of cavalier person in driving his ship. He is not that kind of the man, but for an 8 minute period he either consciously or subconsciously took charge of that ship and acted like maybe perhaps he knew everything and this is purely conjecture because I don't know and the fellows followed for an 8 minute period and it wound up disastrous mode.

You understand where I come from these are the same guys that guard the wall. These are the guys that we don't pay enough. These are the guys that we say, "just kiss mama goodbye and go away for 6 months." These are the kids, we give them 16 grand a year, so I love them. The poor victims and I can't--none of us can do anything to make them feel better other than getting to the bottom line, but for an 8 minute period the Skipper took charge and he should have given more time because I think the backup would've caught up and I don't think the same decisions would be made because the bottom line is, this man would never attempt to surface under a surface ship.

Q. Sir, in the end you feel that CDR Waddle has punished himself enough already?

A. Well it would be ma'am--I'm sure he has punished himself a hell of a lot and I wish I could take some of his burden. I really wish I could. And I made that statement before. I am responsible for this force and if there is some lack of training; if there is some lack of equipment; if there is something then you need to point the gun right at me because I'm the one that needs to be held accountable and he knows that as

well as I do. I don't have all of this information that the Court of Inquiry is going to hear and I would be wrong, but I know he's not a criminal and I know he has sailed for 19 years. I know he comes from good stock.

Q. Let me ask you this, sir. You know that CDR Waddle would give his own life to bring back those missing crewmen.

A. I know that, and I would give them mine too if we could.

Counsel for CDR Waddle, party (LCDR Young): Thank you, sir.

PRES: Counsel for LCDR Pfeifer?

Counsel for LCDR Pfeifer, party (LCDR Stone): Sir, we have no questions.

PRES: Counsel for Mr. Coen?

Counsel for Mr. Coen: No questions, sir.

PRES: The court is going to recess for 10 minutes.

The court recessed at 1531 hours, 12 March 2001.

The court opened at 1550 hours, 12 March 2001.

PRES: This court is now in session. Counsel for the Court, will you recall RADM Konetzni?

[The bailiff did as directed.]

CC: Let the record reflect that the members, the counsel, and parties are again present. Also, Legalman Second Class Wright is absent and in her place is Legalman First Class Leather. Bailiff, would you call RADM Konetzni to the stand?

[The witness resumed seat in witness box.]

CC: Sir, before you leave the witness stand I need to warn you. You are directed not to discuss your testimony in this case with anyone other than a member of the court, parties thereto, or counsel. You will not allow any witness in this case to talk to you about the testimony you have given or which you may give in the future. If anyone other than counsel, or parties thereto, attempt to talk to you about your testimony in this case, you should make the circumstances known to the counsel who

originally called you and that would be the Court. Thank you.
You're excused.

[The witness withdrew from the courtroom.]

PRES: Admiral, I appreciate your forthrightness.

CC: At this time the court calls CAPT Robert Brandhuber to the stand.

CC: Sir, I would ask that you speak slowly and into the microphone when you give your testimony this afternoon to allow simultaneous translation.

Robert Brandhuber, Captain, U.S. Navy, was called as a witness for the court, was sworn, and examined as follows:

DIRECT EXAMINATION

Questions by Counsel for the Court:

Q. Sir, would you please state your full name, spelling your last name for the record.

A. Robert L. Brandhuber, B-R-A-N-D-H-U-B-E-R.

Q. And what is your rank, sir?

A. Captain, United States Navy.

Q. And could you tell us what your current duty station and assignment is?

A. Yes, I'm the Chief of Staff Officer for the Commander, Submarine Force, U.S. Pacific Fleet.

Q. And, how long have you served as Chief of Staff?

A. Since the first of August last year.

Q. What are your duties and responsibilities associated with your Chief of Staff job?

A. Responsible for over all coordination with the Admiral on matters of training, operations, logistics. Everything to do with the running of the Submarine Force Pacific on a both day to day basis and future goals and objectives of the force.

Q. And when you say, "The Admiral," you mean RADM Konetzni?

A. I do mean RADM Konetzni. Yes, sir.

Q. Could you briefly describe your previous duty assignments taking us back to your days as a Commanding Officer?

A. Yes, sir. I was the Commanding Officer of USS SAN JUAN, the first of the improved Los Angeles class attack submarines. Did that from about 1989 to 1992, then two years in the Pentagon working for the Director of the submarine division and it was OP02 to N87 and now is N77. I worked in classified programs as well as future operations planning. I then left there and was Commanding Officer of the Navy's Nuclear Power Training Command in Orlando, Florida for three years. And then I left there and went to Submarine Squadron SEVEN here in Hawaii for a little over a year and then I went to the U.S. Pacific Command, the J5 organization, worked in theater engagement for about two years, a little bit less and then took over as Chief of Staff for Submarine Force Pacific on the first of August.

CC: VADM Nathman?

Questions by the President:

Q. Captain, what was your--the role of GREENEVILLE on the 9th of February? The mission of the GREENEVILLE on the 9th of February?

A. Sir, the mission was to that day to take the distinguished visitors to sea and conduct evolutions and return.

Q. So, it was clearly to support a distinguished visitor embark in your view?

A. Yes, sir. If I may, there was earlier plans when it was originally scheduled that it was going to be in conjunction with a further on training in preparation for the upcoming Operational Reactor Safeguard Examination, and for reasons earlier in the week, that was changed, sir. But, originally planned, there was other operations that were going on with that.

Q. So, there were scheduled changes for GREENEVILLE that week?

A. Yes, sir.

Q. But, it turned out that on the 9th of February, she got underway specifically to support the DV embark?

A. Yes, sir.

Q. How do you reconcile that with the guidance from OPNAV and from the Secretary of the Navy on doing embarks or getting underway a unit or submarine or ship--getting underway specifically to support a DV embark and the guidance not to do that?

A. At the time because of the people who had arranged the schedule and the fact that we had committed to the schedule, it seemed prudent to go ahead and conduct the event, sir.

Q. When you say prudent to you mean that the Navy would be embarrassed by turning this off?

A. Yes, sir, in a way, but I also think that the submarine force part of the Navy, and in particular the people that we had committed to--I don't think we wanted to cancel or be embarrassed--I guess, sir, it would be the term embarrassed.

Q. That's my point. How did you reconcile with the guidance? Originally you had been scheduled with an underway period and that kind of put you inside the guidelines. Now that you're outside the guidelines because of the schedule change, help me with that one.

A. Admiral, if I may help you with that one--I'd--you know, when I walked onboard the ship that morning, I wasn't aware that the schedule had changed and that's--with what happened that morning as compared to where we are now, I found out some information that I wasn't aware of at the time. I didn't realize that until we got underway.

Q. Have you read the OPNAV and the SECNAV instruction on DV embarks on public affairs guidance specifically with conducting operations in supportive DV embarks?

A. Yes, sir. I've read it.

Q. Do you see any--and what I would call a disconnect in that guidance in the way Submarine Force Pacific conducts DV embarks?

A. No, sir, not on a routine basis at all. No, sir. We are very cognizant of that guidance and try to work that all the time while trying to provide some distinguished visitor embarks to people.

Q. Well would you expect your submarine squadron commander then to have the same kind of awareness of the instructions?

A. I would hope he would, sir, I don't know for sure how much he does know.

Q. Because he would be aware of the scheduled change?

A. Yes, sir. Yes, sir. He would.

Q. Okay, so if your Commodore has been aware--he's either not aware of the scheduled change--one of my conclusions here or he's not aware of the guidance. I guess we need to find that out.

A. Yes, sir.

Q. Okay. What was your role onboard GREENEVILLE on the 9th of February?

A. Admiral I--there were--as I said, there were four things that I think I was doing onboard in a priority order as follows: I felt that because the former CINC, who I just come from being on CINCPAC staff and kind of had learned a little bit about the importance of a unified CINC and what that was, it was unusual to me that the former CINC would make that request and the initial request I had received amongst many messages about a month earlier a little call back that said, you know, ADM Macke was interested in getting a submarine ride for some people that he was associated with and amongst all people that we see that was kind of unusual and I thought that was important and so I in fact did return a call or an email back to his office but didn't make contact with him myself. And I then departed to go somewhere else and it pressed on from there as far as whether or not the event would be scheduled.

So, the fact the fact that the Admiral had made that request, and at his level I thought that was important and I thought it was important that we provide to those people once it had been scheduled a little bit broader prospective of the submarine force then although all our Skippers are very confident and capable about what they know about the submarine force, but there are times when things come up that a little bit broader perspective is appropriate. So, from my own perspective, I thought that was important.

Second perspective was CDR Waddle and the GREENEVILLE have had what I thought was a very well earned professional reputation shore side and I never had the opportunity to see that underway with my own eyes and with a lot of experience I thought it would be maybe good just to see how that was so that was the second one.

Third one is my son-in-law is the Engineer Officer of the GREENEVILLE, had been for a little bit over three years and I had never had the opportunity to actually see how he was doing or wasn't doing and I has some professional and personal interest in that area.

The fourth one was as a matter of record I'm senior enough that I don't earn submarine pay on a continual basis and you need to get enough ride time you can maintain that submarine pay, but also as a matter of record since I've been at SUBPAC I haven't been able to maintain the total amount of hours to get that all the time so I strive to get it when I can. If I can't, that is just the way it is, sir.

Q. Let me ask you two follow-up questions on those comments. If you--as you've said, a former CINC, ADM Macke asked for a visit--a DV embark. Was there--did you ask your Public Affairs Officer for any comments about the quality of visitor that was on that embark? Did you have any sense that these people were the type of people we should typically support for an embark?

A. Sir, what transpired after that was that--as I said, I went TAD to San Diego and in fact rode the USS GEORGIA during the time that I was TAD to SAN DIEGO. The interactions of the setup for this particular embark took place and when I came back, I checked on the status of where we were with that and I think the words that were used is that we were going to do that, but it was something that we--you know, it wasn't absolutely essential or critical that it be done, but if it could be done, it was something that we were going to do and it had been set up to that. And so I kind of left it right there, sir. I knew that it was going to happen and I even asked the PAO, I said, "Should I or should I not accompany?" It came back as not necessary but if you want to or can, okay. But they didn't think it was absolutely necessary that I accompany.

Q. Would your PAO be aware of scheduled changes for the boats?

A. If it involved an embark by a distinguished visitor that needed arranged, I think so, yes, sir.

Q. Or he would be sensitive to the fact that this particular embark didn't quite fit the criteria for embarkation of distinguish visitors?

A. Knowing that the scheduled event had changed, sir or----

Q. Knowing that the scheduled event had changed and now that the ship's mission that day was specifically for a DV embark. Do you think your Public Affairs Officer was aware of either the schedule or the policy so he could make a clear call on this also?

A. I think he's aware of the policy, sir. I'm not 100 percent sure by my own knowledge that he was aware of the schedule. I

was not party to those meetings about the schedule so I don't know for sure, sir, where he found out or how he found that out.

Q. Well let me go back specifically then to your role onboard GREENEVILLE?

A. Yes, sir.

Q. Was it you were an escort for the DVs, you had other things--did you see yourself participating as a senior rider--a senior officer embarked? What was your--do you have a sense of your specific role or how the Captain may have seen your embark?

A. Yes, sir. I honestly think I was more of a escort to the distinguished visitors and as to how the Captain saw that sir I--the Captain and I we talked after the events because we were out that night--I don't think, if I remember right, that wasn't a particular question that we talked about or that I can recall.

Q. So you and the Captain basically had already kind of agreed as to your capacity onboard?

A. Sir, I--to go through the way it happened is I met him on the pier, I gave him a broad indoc--XO and the COB were out there, then the Captain came up afterwards. The Captain talked to him and we had very little encounter throughout the course of the day regarding that particular subject, sir.

Q. Okay. Do you have a standing orders and policy while embarked memo?

A. Yes, sir.

Q. Would you comment on that? You seem to give very specific guidance to Commanding Officers when you are embarked and this on says, "While embarked". Did you--can you tell us about any follow-up or any discussions that you had with the Commanding Officer about events that were to occur or material conditions or any of your guidelines--any discussions that you had----

A. No discussions with the Captain that day, sir.

Q. On this----

A. No, sir.

Q. None at all?

A. No, sir.

Q. Why didn't you do that?

A. I think because--I don't think, I know. Because the time that was involved and where we were I didn't look at that and

say to the Skipper or to anyone that reminded them or said that that was something that I was expecting that day, sir.

Q. Does this go to your position that you felt like you were more of an escort than--this, if you read it, there's a certain implication in here and the implication is that your riding for observation purposes, or your riding for--were you on for a grading evolutions, or you're looking at ships operations in a tactical sense instead of an escort sense?

A. Yes, sir. I think the genesis in that in my mind was when I was squadron commander, I rode the ships quite frequently for certification and rolls of evaluation in a more detailed manner, sir. And when I came back to the submarine force here as the Chief of Staff, I knew on occasions I would be riding and I didn't know exactly what I thought or wouldn't think about it so I went back and referred to the information I had from squadron Commander and put it together rather quickly and said this is something that when I ride I would like to have this type of thought process go on because to be honest with you sir, to me it is one of the harder things that I've ever had to do is--you know, jump on somebody else's ship for a period of time and evaluate--not evaluate and just feel comfortable that things were going okay. And when I was in that position of being onboard longer, I always wanted to kind of have a sense with the Captain about what was my role, or what was my responsibility there and that we understood that. In this case we didn't have a discussion about that, sir.

Q. So the Captain wasn't aware that you have waived this for practical purposes?

A. I didn't formerly make him aware that I had waived that for practical purposes, no, sir.

Q. Did the Captain respond to you in any way based on this memo?

A. To be fair to the Commanding Officer of the ship and sir, and in factuality, his Command Master Chief and his EDMC, the senior enlisted folks asked me in passing as I was around the ship that day did I want to walk through the ship with them per what is in there. So I told them both no I wasn't interested in doing that per say.

Q. Your memo is very specific about things you want in a number of categories and I won't list them all, but do you think it would be wise for you to include in your memo that if you are riding for DV events that----

A. Admiral, I obviously do, yes, sir.

PRES: RADM Stone?

MBR (RADM STONE): Good afternoon, Captain.

WIT: Admiral.

Questions by a court member (RADM Stone):

Q. As you know the court is looking into your roll and how it pertains to Navy Regs. In chapter 9 of Navy Regs, the senior officer present, in Article 0901 it states, "Unless some other officer has been so designated by competent authority, the senior officer present is the senior line officer of the Navy on active duty, eligible for command at sea, who is present and in command of any part of the department of Navy and the locality well within an area prescribed by competent authority." When one reads that article and then reads the 31 January message from COMSUBPAC, where it states that you will be acting COMSUBPAC in the absence of RADM Konetzni--marrying those two together has you within the bounds there potentially as being the senior officer present since your in a command capacity when you're actually COMSUBPAC. Did you see yourself maintaining the acting COMSUBPAC responsibility per the 31 January message when you were onboard GREENEVILLE?

A. In the morning before I left, I checked the day's events to see what was going on--what had cropped up the night before, what the situations were for deployed units and all the different squadrons and got a normal update and where the Submarine Force Pacific was at that time made a conscious decision that things were not that on the surface that hectic that I couldn't go and decided to go ahead and go. And CAPT Kyle took over responsibilities for shore side operation of the--as acting I think we didn't have a great discussion about this, sir, but as acting Chief of Staff and rules that we would have when normally someone is absent. To say whether I actually thought, sir, at the time was I SUBPAC or was I not--I didn't think about that at the time, sir, and I'll just be very honest with you.

Q. Okay. during the--when we talked to CAPT Kyle he noted that he'd relieved you of your Chief of Staff duties that morning and that you'd gone onboard GREENEVILLE and that he'd been notified by the flag secretary that he was acting. What would be helpful is if you could say a few words about the fact that when we talked with RADM Konetzni he stated that he viewed CAPT Kyle as having assumed the duties that had passed on to you by this message as that CAPT Kyle was actually acting COMSUBPAC. Could you comment on that?

A. Well, sir, I didn't know that he'd said that per se. We hadn't talked about that, but the thing that we normally do in the seven months and change I've been here is when either the Admiral or myself is underway there is someone else who is fulfilling the role of those responsibilities based on the communications issues sometimes being on a submarine presents so that would be where it was. I'm just trying to be very, very, honest with you, sir. CAPT Kyle and I didn't have face-to-face conversation about who was or who wasn't SUBPAC that morning and I just want to leave it right there. We have a history of doing that though, sir, when somebody goes to sea that someone else becomes the acting during that time frame, sir

Q. What is the reason for that Captain? Why does that happen? Why does it logically go to the one that stays ashore instead of the one that's embarked?

A. Because of the need, sir, that communications flow of information is to someone who can--can get information from other ships that are at sea about things that are happening and deal with, in a timely manner, other potential people, whether it be the CINC or whether it be Naval Reactors or whether it be someone else so that you don't have the problems with the communications that you have on a submarine that you can't all the time guarantee that you can get the pipes for communications. That's why, sir.

Question by the President:

Q. Assuming that's so, did you feel like your turnover with CAPT Kyle was adequate or inadequate?

A. I--it wasn't as adequate as it could be, sir. And I'm not--I mean it wasn't, you know, we didn't have a long discussion about the events of the day and where we were.

Questions by a court member (RADM Stone):

Q. Onboard GREENEVILLE on the 9th of February, did you observe any events that you thought were unsafe and did you make your concern known to anyone?

A. Unsafe no, sir.

Q. Non-standard that caused any red flags to go up when you observed them?

A. Not red flags, sir, and no, sir, not red flags.

Q. Anything that you would like to comment on that you think is of note?

A. Sir, I think it's--I've said before and I'll say again--I felt that during the time that--the only time that I was in Control for the time of the ride, for any period of time, was during the time of the--when they did the high-speed turns and the--what's called angles and dangles, the high rate of depth change with angles.

From my experience that some things that a lot of ships don't do very well and have some trouble with. I had never been on the ship before and didn't know how they would perform those things and I went to Control, along with the visitors to observe those events and to be honest with you Admiral, they did them very well. I was very--from a senior experienced submarine perspective of doing that, they did them very well. And so I--after they were done, due to people and things like that, I moved further back on the port side thinking that the Commanding Officer of this ship, with his team, had taken the ship to periscope depth many times before without the Chief of Staff or a senior experienced captain being onboard and kind of said, okay, the Skipper is doing his thing with his OOD and did not insert myself into anything regarding that process.

As I said before to some other people, if I would--did they do it a little quicker than I would do it? Yes, sir. But did I think that it was either unreasonable or unsafe the way that they were doing it? No, sir.

Q. Did you--were you aware of the sea state and the overall weather conditions 10 miles south of Diamond Head? I realize that your memo talks that you want to be briefed on weather, but that is something that wasn't necessarily used as an overlay for this visit, but did anyone tell you, or did you inquire about what type of weather conditions existed?

A. Only from when we got underway, sir, that I--was I aware of weather--not any inquiry direct or anything else, no, sir.

Q. Did you have any role in determining the OPAREA that GREENEVILLE was operating on 9 February?

A. No, sir. No, sir, did not.

Q. Did you voice any concerns about the number of DVs that were going aboard GREENEVILLE and was the number of DVs, in your mind, unusual that were present in Control?

A. No, sir. I expressed no concern and I did not believe that it was unusual, the number of DVs that we had onboard nor did I express any concern regarding that.

Q. When did you first become aware of what the scheduled events timeline was and what the events that were going to be conducted for the DVs actually was?

A. Probably a couple hours after I was aboard, sir, when I glanced at the plan of the day.

Q. Did that seem reasonable to you what was being attempted?

A. Yes, sir. I've seen that type of evolution done before.

Q. At any point in the day, did you become concerned about that timeline being met?

A. No, sir and I didn't ever become concerned during the course of the day about keeping a particular timeline. I find these--when we've done these before there are events that occur that sometimes go a little quicker or a little less quick and to me there was no particular concern for any type of rush for where to be anywhere. And I don't think--I know I didn't. I didn't express any concern to anybody throughout the course of the day regarding anything to do with time.

Questions by the President:

Q. Captain, when did you get into the Control Room.

A. Sometime after 1300. Shortly before the time that we started the high-speed turns and--excuse me, we did it in the other sequence I think if my memory serves me correctly it was

angles first and then it was high-speed turns. Shortly before the time of the angles.

Q. When you looked at--you are a qualified submariner, so you're in control now of a submarine?

A. Yes, sir.

Q. You're looking around Control. You obviously notice the AVSDU wasn't working?

A. Yes, sir.

Q. Did you notice there were no contacts plotted on the CEP for over an hour?

A. No, sir. I did not.

Q. You didn't look at it?

A. No, sir. I did not.

PRES: I have nothing further at this time. RADM Sullivan, next.

MBR (RADM SULLIVAN): Good afternoon, Captain.

WIT: Admiral, how are you, sir.

Questions by a court member (RADM Sullivan):

Q. I'd just like to drill down a little bit about the time you were in Control.

A. Yes, Sir.

Q. Obviously, you are a very experienced and professional submariner. There are certain reports, certain motions that you see as you conduct these evolutions. I'd like to start at the part where you were paying close attention to--at least that's the way I read it.

A. Yes, sir.

Q. That was the maneuvers with the high-speed?

A. Yes, sir.

Q. And you've already commented that you thought it was very well done.

A. Yes, sir.

Q. Could you describe in your--again its your opinion in your experience with the relationship between the Control Team--the Ship's Control Team, the Officer of the Deck, and the Commanding Officer was at the time.

A. Yes, sir. First of all for the Ship's Control Team perspective I remember the Captain cognitively asking the Helmsman, when is the last time or the Control Team when is the last time we done something like this he seemed alert and aware meaning the Captain and Officer of the Deck to what was going on. I remember one time when LTJG Coen was standing right behind the Ship's Control Panel--right behind the Diving Officer is and he went to go away to do something I'm not sure what that was, but I remember Captain put his hand on his shoulder and said, this is during either the high-speed turns of the angles, that "no, no you need to be here." Being attentive to this--to this evolution that was going on. And I gave both the ship's Control Team and the Captain kind of an up check for helping the young OOD understand now I don't think Lieutenant Coen-- I don't know what was in Lieutenant Coen's mind where he was going to go or what he was going to do. By watching as a seasoned observer I thought it was appropriate that the Captain recognized that his young OOD was sensitive to the high complexity of these evolutions and maintain his attention there. So, I felt in that process that the Captain was clearly in charge and but that I felt that the ship executed and communicated those things well.

Q. So, as you go through these cyclic maneuvers, say the depth's stratum down angles, followed by up angles. Could you describe how that would occur? What wasn't--basically the OOD was running the show or was the Skipper basically giving---

A. I think the--the Skipper was given permission sir, sorry. The OOD was the officer the deck. I don't remember or have insight into the Captain ever saying I'm going to relieve you of any of those responsibilities or counting the ship or anything like that, but the Officer of the Deck was actively involved and the Commanding Officer appeared to be--once we would stable out or whatever would be the next level hat we're going to and Officer of the Deck would then carry out the execution of that order is what I remember in my mind is how that went that time.

Q. Now giving your experience is that pretty typical for that sort of evolution?

A. Based on the Officer of the Deck involved. This is an Officer of the Deck who is only on his first tour as a submariner. It's not a department head, a second tour submarine person who maybe been onboard for 2 years.

Q. Yes, sir, based on that level of experience of the Officer of the Deck.

A. I think that's pretty realistic and pretty accurate of how things are done.

Q. To the best of your recollection, where were the visitor's position during this event.

A. Most of the visitor's positions were on the starboard side----

PRES: Can we bring up the----

MBR (RADM SULLIVAN): Yes, can we please have the--hold on, there's a laser pointer over there for you.

WIT: Let's see if I can get myself oriented here. Most of the visitors were in this vicinity [pointing laser at exhibit] and here [pointing laser at exhibit], and in here [pointing laser at exhibit] in between the Quartermaster stand around in the fire control stand up by Sonar, and in the vicinity of--forward of the stand--on the front of the periscope stand. I don't--I think there was one or two right in here [pointing laser at exhibit], because I was right in this area here [pointing laser at exhibit] during that time frame, and I can't remember if anybody was behind me or not, was a visitor or not, or anybody in that area. I just don't know, sir.

MBR (RADM SULLIVAN): Okay.

Questions by the President:

Q. What was your position, Captain?

A. At that time, sir, I was right about here [pointing laser at exhibit] where the radar repeater was, maybe a little bit after, and then right in this area here [pointing laser at exhibit], and then after they did the high-speed turns and the angles well, I moved further back into this area [pointing laser at exhibit] because of coming to periscope depth and I thought that there was enough overall people there and I was--as I said, fairly comfortable that the Commanding Officer and his team had executed the maneuver on several occasions without me and could probably get that done.

Q. What were you doing while you were standing there?

A. A couple things that I did Admiral that I--after the high-speed turns, I went back and took a look at the navigation chart to see where we were with regards to our assigned water

just to kind of double check that we hadn't moved outside of our assigned water, and we hadn't. And, during the preparation time for periscope depth, I basically stood back here [pointing laser at exhibit] and in a general term, sir, observed what was going on, but not in a method that's, you know, like if I was inspecting the ship for POM Certification, Pre-overseas Movement Certification, or if I was inspecting the ship as if one of the Officers of the Deck was going to be qualified under my signature that he become a submariner or something like that. It was more of an over, sir, not in a--and I was just observing.

Q. Were you briefing DVs?

A. I think I talked to one or two about what they had seen and had well they had done that and you know a little bit about what was coming up, but no, sir, there was not a group of DVs around me. Admiral for the record the ship did a very good job on the ship themselves walking the DVs around throughout the day. I spent time with them at lunch and talked to them and I spent time with them early in the morning and talked to them a little bit and as I would pass them in the passageways I would talk to them, but I did not spend a lot of time with a DV party walking around the ship, I didn't do that.

Q. Prior to the high-speed operations, in your opinion was there a concern in your mind that the ship had a fairly substantial understanding of their contact situation in a since that during these evolutions if they go awry you could end up on surface if you lose depth control?

A. I can't say that, Admiral, I can't say that. I felt an awareness myself, but I didn't feel an uncomfortable feeling that they hadn't had no awareness of it.

Q. During your time in Control during this evolution, did you see any of the crew members happen to ask DVs to move?

A. No, sir.

Q. We talked something about the sonar repeater, the AVSDU, being out of commission. Did you--were you briefed on that upon arrival?

A. No, sir.

Q. When did you find out about it?

A. I found out about it probably an hour and half, a couple hours into the time frame of being underway, that the AVSDU was out of commission.

Q. What went through your mind when you found out it was out of commission. Did you ask any questions?

A. No, sir, but I knew--I did not ask questions, no, sir. But, I knew that submarines have operated safely without that particular repeater in other situations and I--in my own mind, I knew there would be a couple things that would need to be done and I did walk through Sonar earlier in the morning after we had submerged for that kind of reason just to go in and see the Sonar Supe and see the Sonar Operators and get a feel for how things were going. And at that time, I didn't see anything that struck me as being abnormal with regards to operations of the Sonar Shack.

Question by the President:

Q. But does this go to your--this goes back to your memo. In your memo, you're very clear about major pieces of equipment, etcetera, etcetera, out. You notice a piece of gear is out. Did you bother to have an even informal discussion with the Commanding Officer about any compensation for that instrument?

A. No, sir, I did not.

Questions by a court member (RADM Stone):

Q. I'd like to ask a question concerning your overall situational awareness in the Control Room. Having gone down and stood in the Control Room on GREENEVILLE last week--one of the things I'm trying to get my arms around is, when you're in a confined area such as that, I relate it like on the Bridge of a ship. I was a visitor embarked there and I notice the ship is turning to come to a course to safely recover a helicopter, it would be very easy for me to pick-up that ship head and yet steadied on the course, yet their giving a green deck for the helo to come in. It's part of, you're in the space, it's very difficult not to be aware of whether certain parameters are being met. And so, if you could give me a flavor for when you saw events happening very quickly coming to periscope depth--a very quick periscope search then the emergency deep, there's nothing that you are observing while you are in that space that is saying to yourself--this is happening awful quick for somebody who is a submariner that I know takes time. Could you, sir, walk me back what's going through your mind when you were seeing that happen?

A. Admiral, I spent--back maybe a little bit to the other question. I spent a lot of time while I was back there, like I say, situationally observing what was going on, and debating in my own mind as to how fast is fast and how thorough is thorough

with regards to having seen many people do this in many different ways. The ship had just performed what I thought were some very demanding evolutions that I have seen other people in many times not perform nearly as well. And, if you ask me to put myself there, I was probably impressed is too strong of a term, but that was pretty good--that was pretty good and they left me with the impression that they handled their ship well and knew what they were doing and it's the exact same team going to go on and do this next evolution. So, as I stepped back, looked at the water space and watched, I thought okay, they may be as time progressed doing it a little quicker than I would do it, but where is that it's either too quick or unreasonable versus where is it quicker than I would do it and reasonable. And obviously, sir, I obviously decided that it was quicker than I would do it, but yet reasonable because I didn't say anything.

Now, did I think in my stomach and in my mind that that was a maybe a little faster than I would do it, but was it okay. The facts obviously speak for themselves, sir, I must have thought that it was okay or else I would have said something. And that's--Admiral, I would be lying to you, I was thinking about it, there's no question, I was thinking about, but I didn't feel that it was so much so that I needed to interject myself in front of many people and the ship's crew with a Commanding Officer to say that--and if I may, one last thing is, the ship did make it periscope depth safely without having the incident going to periscope depth and I kind of went through it. Now, if I go one step further then that, sir, with regards to looking on the scope. Looking on the scope, still my antenna is up, I'm watching. When he was looking on the scope, the Officer of the Deck, I felt, did his quick search per the procedure and looked for contacts and said, "No close contacts."

Shortly thereafter, the time is very difficult to measure in that situation, I assure you, sir, I assure you, shortly thereafter the Commanding Officer took the scope, ordered the ship's depth to be raised. I honestly thought it was 56 feet, but people have said otherwise, and so whatever it is, but I honestly thought I heard 56 feet and took a look. And what strikes me most of all, is that he took a look down a bearing that was facing a little bit towards me--if you would look on Number 2 scope here [pointing at exhibit], I was in this section back here [pointing laser at exhibit] and of any area that I felt he concentrated on was an area from about here to here [pointing at exhibit] and it struck me why is the Captain

looking back here [pointing laser at exhibit] as I was watching, why is he looking back here.

And so again, there was a little bit of what's going on here, but then he came around, emergency deep, and then I think through the Officer of the Deck, the ship was ordered to a course turning to the left that made the ship's head swing back around towards the direction that the Captain was looking at, so I believed in my own mind that the Captain had focused where he thought he was going to go and conduct that evolution of all the search that he had looked at, the longest period of time that he looked at that search, I thought was in that area, and so when he turned in that direction, I said okay.

Q. Were you aware that the ship was going to conduct an emergency deep for training?

A. No, sir, I was not.

Q. So did it surprise you?

A. It surprised me, but he also said it was for training.

Q. Who did he say it to, the entire ship?

A. It came out as we went down, I don't know that it was said in exactly emergency deep for training, but this is something that we have to be able to do to avoid collision, practice and things of that nature, that type of discussion made it clear that it was not emergency deep for an emergency deep contact avoidance, it was an emergency deep for training.

Q. Do you recall the Commanding Officer had any eyeglasses on or was he----

A. I do not believe he had eyeglasses on no, sir.

Q. Okay, I'd like to step you back a little bit prior to your last conversation and that's after the angles and they were getting ready to come up to periscope depth, did you hear any conversations or directions that the Commanding Officer gave his Officer of the Deck on how to conduct the evolution?

A. No, sir, as I said, it was not in a voice loud enough that I knew anything, but you know, this was up in here [pointing at exhibit], the Skipper and the OOD were in this area here [pointing at exhibit] and I was back in this area [pointing at exhibit] and I did not hear anything.

Q. During the--prior to the ascent, did you hear the normal reports that are conducted, typically by the 27 MC from Sonar into the Control Room for the Officer of the Deck to sort out his contact situation?

A. I can't say that I did, sir, no I can't say that. If I did, I don't remember it, sir, that's what I remember.

Q. Did you to hear the Officer of the Deck make his formal report to the Commanding Officer on his preparatory work, for coming to periscope depth?

A. No, sir, I did not.

Q. Did you hear the Officer of the Deck tell his other watchstanders to make preparations to come periscope depth?

A. No, sir, I don't remember it. I don't know that he didn't, I just don't remember it, sir.

Q. Okay----

A. I just--I just don't know.

Q. So what you're telling me, is your sense, was--it was quicker than you'd probably like it, but you did not have an understanding of the contact situation?

A. Yes, sir. The fact that the AVSDU was out of commission, did not allow me to kind of look my self to see where it is. I couldn't, you know, but I felt because of the presence of the people that were in Control and the the knowledge that the ASVDU was out of commission, that obviously the team was handling it because of, you know, the Skipper's and the Officer of the Deck, and the people I had seen working on the problem, that I thought that they were handling it.

Q. Do you recall, during any of these evolutions, that you were up there where the Executive Officer was located?

A. I saw the Executive Officer in the Control Room and I felt that the Executive Officer-----

Q. During what time?

A. During the time frame of--I can't recall him in the time frame of the angles and dangles, and the high-speed maneuvers, where he was. Like I said, I was pretty well focused what was going on right here with the OOD, and I did not see, or remember actively the XO right there involved in that. But I do know that after that I saw the XO in Control Room, in the Control Room on the starboard side, and I know he was there.

Q. During the preparations to go to periscope depth? After the----

A. After, yes, sir, you know, yes, sir. I felt he was in the Control Room on the starboard over in this area, between in here [pointing to exhibit] I saw--I remember distinctly because of his red hair, I know, you know, I just saw him up in that area. As exactly what time it was, sir, and what he was doing I couldn't tell you, but he was there.

Q. During the course of events, I'd like to step you back a little bit to--again, were you aware that the ship went to test depth and operated at flank speed with visitors onboard?

A. I was aware that the ship went to test depth because I was in the Wardroom when it occurred and I wasn't "A" briefed on it and "B" the visitors were with us at the time that I observed that and I wasn't going to make it an issue with the Commanding Officer while the visitors were right there.

Q. What was the issue that you were concerned about?

A. The fact that we were at test depth. It's greater than what the unclassified level of depth that we have on our submarines.

Q. You've done a number of these, or some DV tours on other ships?

A. I've--the most recent one I did, sir, was with the Key West for some Office of Legislative Affairs folks, since I've been back as the Chief of Staff, back in the submarine force and yes, sir, we did them at--we were at Key West, no, we did not go to test depth.

Q. But your experience as a submariner, again it's your opinion, it's your speculation, it that common practice to take the ship----

A. I was a little surprised we were at test depth, sir.

Q. To test depth? Why were you surprised, is there guidance on that?

A. Not that I'm aware of written anywhere, sir, no. But the fact that people who are not cleared are now being subjected the information that we try to guard safely just because of where we are. That surprised me a little bit.

Q. Again, this is your opinion, what would be the reason to go to test depth? Why?

A. I don't know, sir. To show people that we can go that deep, I don't know, sir.

Q. Okay. I want to set you back just a bit further. Were you there when the pier side briefing of the visitors was done for submarine safety and safety and security?

A. I gave a welcoming brief to the visitors, the XO and Command Master Chief were there when I came they also discussed some things with the visitors and then the Commanding Officer came off the brow and welcomed the visitors aboard. That's what happened on the pier, sir. The exact specifics of what was said by any one of those three I don't remember any more, sir, I may not even remember it at the time.

Q. Is there like a guideline to SUBPAC and their DV embark and like a standard set of safety guidelines that they expect the either or the boat, or the staff at SUBPAC to brief the visitors before the embark? Or would there----

A. There is a letter, or that the PAO sends to the ship to alleviate, you know, these are the time and place and here's the people. But as far as--I'm not aware of anything specifically, sir, that has that type of----

Q. Do you think a safety brief is a necessity for----

A. Yes, sir. There was a brief given in the mess decks after the visitors came onboard that had a lot of information by a First Class Petty Officer, and the tour guides, and I think, I can't remember exactly so I won't speculate. I forget who else was there exactly, but there was a brief given on a power point presentation to a thing that talked about what's the ship about and some safety related to the ship and that type of things. It was done on the ship, not on the pier, that once they were onboard.

Q. Over the last few days we've discussed quite a bit the relationship between the Officer the Deck and the Commanding Officer during this critical period prior to the incident. Do you feel that any time the Commanding Officer had the Conn of the ship, or at least for all intense and purposes, had the Conn? Again, it's your guess.

A. I never heard the Commanding Officer announce, or anyone announce that the Commanding Officer had the Conn. I was attentive to that as what part--the part I was listening to because I felt the Commanding Officer was pretty much in charge of what was going on. And, you know, he was--it wasn't anything yelling or forceful like I've seen in other situations, it wasn't anything in any way demeaning or anything like that, but the Commanding Officer was obviously very involved in the direction and the movement of the ship, sir.

Questions by the President:

Q. It goes to your role and your staff's role, in terms of Public Affairs. What's the last time you asked a Public Affairs Officer for any type of roll up? We talked about 50-50's that were apparently were published or passed around to the boats or to the squadrons, you have a very distinct line, as I recall, an instruction here about Public Affairs to the squadrons, and the squadrons of a Public Affairs Officer. Are those squadron Public Affairs Officers given a sample 50-50's or are they--how often is feedback given to those Public Affairs Officers so that ships can look at, you know, successful embarks in terms of presentation, the type of maneuvers, how often is that done?

A. Admiral, I don't know the answer to that, sir.

Q. Okay. To your knowledge has a Public Affairs Officer ever come to you and say, "we conducted this meeting with the squadron PAO's and this is what we've covered?"

A. Not to my knowledge.

Q. And how long have you been Chief of Staff at SUBPAC?

A. Since the 1st of August, sir.

Q. Okay----

A. 7 months.

Q. Alright. Do you think it's appropriate to do a casualty maneuver as a demonstration to DV's?

A. At the time I obviously thought it was appropriate. I've done it before, I mean if we're talking about an Emergency Main Ballast Tank Blow, yes, sir, I have done that before and have known people doing that before.

Q. Do you think it's appropriate to do a maneuver that basically, when you have DV's embarked, particularly when DV embarks--this is the oxymoron for me, you have a maintenance requirement that requires an emergency blow to be done once a year.

A. Yes, sir.

Q. By these class of submarines, and yet there is evidence, in testimony from RADM Konetzni and others, that this is done maybe more frequently?

A. Yes, sir.

Q. And the other part of it is, now you have a maneuver that's completely out of control, control in the sense that no matter what you do with the bow planes, no matter what you do with the engines, unless you're anticipating this, you're probably not going to influence the way the ship goes to the surface, either in course or the ability to change the way it goes to the surface without something really unusual and being prepared for it. So does it make any sense--is that the right balance for me? I mean, there you are, you've got a maintenance procedure that indicates once a year, and then you have a maneuver that basically puts a ship out of control with distinguished visitors embarked. Does that make any sense?

A. Sir, in the cold light of day, no, sir.

Q. Okay, but this is why I'm going back to this feedback. Does the Public Affairs Officer ever engage? We've talked about this, and in fact, I think RADM Konetzni's message talks about, "if you know a better way to do it, let me know." You shared 50-50's, but when has your staff ever rolled up the lessons learned in this and put it out to the Force, to your knowledge?

A. To my knowledge, not, sir, but----

Q. Okay, alright. You had a chance to watch the DV's in Control, and so you had a chance to see the DV's here [pointing laser at exhibit], also the DV's on the Control stations. Now, we reviewed with RADM Konetzni, one was at the Klaxon, one was at the, basically the Chief of the Watch----

A. Yes, sir.

Q. Position to operate the valves for the air, which I believe are mechanical----

A. Yes, sir.

Q. And then there were hydraulic mechanical, and then the other one was at the bow planes. RADM Konetzni's testimony was that they were so closely supervised, they had no impact on what the ship did.

A. Yes, sir.

Q. Do you agree with that?

A. Sir, I can't speak of the bow planes, because I did not know that there was someone on the bow planes until after the event occurred, by the fact that where my line of sight was----

Q. You couldn't see?

A. And where this little jump seat is here [pointing laser at exhibit], I didn't know that someone had been placed under

that--into that position, so for that one, I can't answer that, sir. But, with regards to the person conducting the---pushing the button three times for the Klaxon, for the emergency surface to occur, there was no interface or interference problem there at all, and the person who was--the person who conducted the actuation of the Emergency Main Ballast Tank Blow System was under the direct and hands-on supervision of the Chief of the Watch who was there.

Q. But you would agree then even if you knew now that you know that, what's your assessment then of their ability to influence events?

A. It was none.

Q. Was it none?

A. None, sir.

Q. Okay. Now let's go to the other side----

A. Admiral, if I may, just to be 100 percent. The idea--I've thought about this an awful lot, you know, for the want of 30 seconds any way here, things probably would have been different. You know, in that process of the person who was doing this, there was a little bit of time that took just to make sure that that person understood that this is what's going to happen, that you need to pull this and do that. But, as to whether if the Chief of the Watch would have done that himself, it would have been apparently a little sooner, that might have still--I don't know what the outcome would have been had the Chief of the Watch directly done that rather than supervising this person, doing that.

Q. For my question that's irreversible.

A. Yes, sir.

Q. And it's just a question of timing?

A. Yes, sir.

Q. And the individual would have done it for the same amount of time----

A. Oh, yes, sir, 10 seconds as they conduct the blow, yes, sir, count to 10 and everything----

Q. Because they were correctly supervised?

A. Yes, sir, absolutely.

Q. Now I want to go to the starboard side of the Control Room and have those individuals there.

A. Yes, sir.

Q. There was testimony made to the fact the Fire Controlman of the Watch felt there was a physical barrier with the DV's. What are your expectations of the Control Team, of the Officer of the Deck, or whoever it is at the Conn, or in this case, the Commanding Officer, about the DV impact?

A. A couple of expectations, sir. First of all, I expect the crew to not be encumbered by that. And I--again, have a lot of experience and seeing that we work in a relatively compact environment all the time. There are other situations, not visitors, but watchstanders, who occupy that space for evolutions that there are more people in that space than what there is for the DV's that day, and yet the people who operate their equipment in and around that do that in a very professional manner and get their job done independent of the fact that there's an awful lot of people there. So, I would expect that a trained submariner would, in fact, not have any problems with saying, "excuse me, I need to do this," or, you know, or whatever.

Now, the same perspective for the leadership, I would expect that they also would, you know, "excuse me" or if they something that they thought was interfering, would take action to do that. I--the other thing that strikes me on this, with regards to the periscope stand, I can't remember during the time that we were at periscope depth or preps for periscope depth, because I thought about that a lot, that there was any of these people who were on the periscope stand that would interfere in any way, shape or form with the Officer of the Deck or the Captain in doing their job. Now on this side [pointing laser at exhibit], I'm not as sure as I am on this side [pointing laser at exhibit] in this area here, whether they were standing 1 foot up on the periscope stand or not, but it didn't strike me as that, you know, that they were inhibiting in any way, shape or form the ability of the people to operate the periscope or get the periscope----

Q. Well, do you feel like the crew feels like they can make, they can tell someone to--it kind of goes to the question, does the crew get a brief about we're going to have DV's onboard, if you need to move them aside, you do it, or do you feel like it's submarine practice that if a watchstation feels like there's some interference, physical or whatever it might be, that they have every right, or there's an expectation they would act in a way to remove that interference?

A. Sir, I know of no brief, and your later part is very valid. I would expect that experienced submarine watchstanders would say, "we need to do our job and let's go do it."

Q. Okay. Let's go back to your--kind of your role here a little bit. You talked a little bit about your situational awareness. When you heard, you know, take the ship to periscope depth, we've heard a lot from RADM Konetzni, from CAPT Kyle and from RADM Griffiths about the state of alertness for the Control Teams: Sonar, Fire Control, Ship's Control, OOD, all changes, and they should hear a pin drop.

A. Yes, sir.

Q. Now did you hear those words?

A. The words to go to periscope depth?

Q. Yes.

A. Yes, sir.

Q. Prepare to go to periscope depth?

A. Yes, sir.

Q. Did your state of alertness change?

A. Yes, sir, in that I watched to see how the Officer of the Deck, you know, they had the scope handles down and what he was prepared to do, whether he was watching as the ship moved up in depth, as we're trained to do, to see if it was there.

Q. Did you hear anything about the Officer of the Deck report contacts?

A. No, sir.

Q. Would you expect to hear, you have a lot of experience as a submarine qualified officer----

A. Yes, but, sir--yes, sir, I would but I also thought that maybe the Officer of the Deck and the Captain were having conversations that--that were not broadcast or loud enough, or discussions about that, and it seemed like they were talking, sir, I don't know exactly what they were talking about.

Q. Okay, you need to make that clear to me because see I have never lived in this condition, but it's a small space, it's very clear to me it's a small space. These kinds of conversations about contact reports, my impression from RADM Konetzni, is they'd be made in a public sort of way, not only to build assay for the Captain, but build assay for the team.

A. Yes, sir.

Q. I would expect then that you would probably be able to hear that.

A. I didn't hear that, sir.

Q. Okay. Did the reports in the--in Control, did they seem normal to you?

A. I didn't hear all of the ones that you would normally expect to hear if you would do a text book, "this is proceeding the periscope depth," but I gave, obviously, a lot of latitude to the fact that the Captain was involved on the Conn doing it himself.

Q. Okay----

A. With the help of the OOD.

Q. How would you describe then your diligence as the senior rider onboard GREENEVILLE?

A. It comes back to the fact that I don't feel good at all about what happened and I wish I could have done anything to make it not happen, but, sir, I don't believe that--that the--that the actions of the ship were so unreasonable that it should have necessitated me to step in. And as I alluded to, sir, I was thinking about it, and I don't want that to be any type of a--anything other than just being honest with you, sir, I--you know, I was thinking about.

Q. I'm going to--one last question and then we'll recess. My question is, was there a sense of urgency by you or the Captain to get back----

A. No, sir. Not by me, sir, at all--at all. Now there has been--if I may, sir, RADM Griffiths asked me when he did the preliminary, he said, "well just by your presence, do you present some sense of urgency to the ship," or something like that, and I said, "there was none that I sensed or saw, or anything that I had anything to do with with regards to that." What time we got to "Papa Hotel" and what time we got in that afternoon was nothing to me that I was concerned about nor did I articulate to anybody a concern about that.

Q. Well, then how would you characterize this lack of time that we've heard over and over again from the Primary Investigating Officer, from RADM Konetzni and from CAPT Kyle? How would you, since you're on scene, how did you take this lack of time whether it was building TMA legs or preparing to go to periscope depth or at periscope depth. It's been characterized as over again, why was it--why was it so short?

A. Because I believe that the Commanding Officer of this ship was actively involved in showcasing and driving his ship in a manner that he thought was professionally appropriate.

Q. Okay----

A. And whether he thought that was for a time constraint or to demonstrate the prowess of his team, I don't know, Admiral, I don't know. But, I felt that he--he was--had been the CO for a couple years and he knew the capabilities of his ship, and I felt that he felt he was performing within his capabilities.

PRES: Counsel, we're going to recess until tomorrow morning.

CC: Yes, sir.

[The witness withdrew from the courtroom.]

PRES: This court is in recess.

The court recessed at 1656 hours, 12 March 2001.